هوالمعين

MU’ĪN UL FARĀ’IḎ

Islamic Heir & Distribution

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AJMERĪ رَحِمَهُ ٱللَّٰهُ

Translated by:

Abdullah Moolla

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HAJEE SHOKAT NADAT SAHEB MAPUTO
For the Isaale Sawab of his family.

A Brief Introduction to the Author

A particular favour of Allah (swt) on the region of Gujarat has been the constant presence of resolute scholars of exceptional knowledge and skill among its people. These personalities have relentlessly fulfilled the task of transforming dreary autumns of baseless innovation and custom to blooming springs of prophetic teachings. Among the many virtuous persons who adorned this land with their unforgettable contributions, eminent philosophies, and righteous fervor, a distinct name is that of Moulana Mufti Mahmood Hasan. On Shawwal 15th, 1340 A.H., corresponding to June 22nd, 1922 A.D., Mufti Mahmood Hasan arrived in Rander from Ajmeir Shareef at the request of Moulana Muhammad Husain Randeri (RA). He remained a part of Jami'ah Husainiyah Randeir for twenty-six years, enlightening Surat and its surrounding regions with the knowledge of Islam and quenching the thirst of many seekers of prophetic knowledge.

Mufti Mahmood Hasan was born in the household of Hadhrat Moulana Haji Ahmad Khan on Dhil Hijjah 5th, 1309 A.H., corresponding to the year 1892 A.D., in the “Wedal Kamach” neighborhood of Chaghzaii, in the village of Hazarah. After receiving his preliminary education from the able scholars of his district, he studied from the leading scholar of Tafsir, the devout Hadhrat Moulana Ahmad Ali Lahori (RA) in Sindh. Afterward, Mufti Mahmood Hasan relocated to Ajmeir Shareef where he received the honor of completing his religious study with Hadhrat Moulana Mu'een ud-Din in the Madrasa

Mu'eeniyah.

Mufti Mahmood Hasan was also a student and vicegerent of Sayyid Ghulam Mustafa Qadri Kuleidi. After teaching for some years in this Madrasa “Sufiyah,” he began his services as Head Teacher at Jami'ah Husainiyah Rander and was later appointed as Shaikh ul-Hadith there, a post he held for the next twenty-six years. Mufti Mahmood Hasan's skill, eloquence, and depth of knowledge were well-known among the academics and scholars of Rander. Many students and seekers had the good fortune of benefitting from him.

At the time of India's independence, he moved to the country of his favor and began teaching at Matla' al-Uloom, on Barwari Road in Kuaita. On the first of Dhil Hijjah, 1373 A.H., corresponding to 1953 A.D., he founded Jami'ah 'Arabiyyah Islamiyyah near the famous Eid Masjid of Kuaita and remained there teaching and executing Islamic legal services (*iftaa'*) for the rest of his life. On the first of Dhil Hijjah, 1393 A.H. (1973 A.D.), Mufti Mahmood Hasan left this temporary world for the journey of the hereafter and was buried in the grounds of his own institute. He compiled many major books in his lifetime and made his services a source of perpetual benefit and preserved them for future generations.

These esteemed works include:

1.) Mu'een Ul-Aqa'id
2.) Mu'een Ul-Hikmah
3.) Mu'een Ul-Faraidh
4.) Mu'een Ul-Mantiq (Volume 1 & 2)
5.) At-Tadhkirat Ul-Mahmoodah

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>

Foreword

Muftīn of Dār ul Ulūm Deoband

The book before you, Mu’īn ul Farā’id, authored by Muftī Mahmūd Hasan Ajmerī, teacher at Jāmi’a Husayniyyah Rander was given to me by Maulānā Abdul Ghafūr (Bharuch). Upon his insistence, despite various engagements, I studied a number of places carefully. I also provided valuable points in accordance to his wish. Māshā Allāh, the book Mu’īn ul Farā’id is a very successful book in terms of its objective. It is worthy of being studied before Sirājī, as part of the syllabus. The Urdu class can study this work under an expert teacher and can acquire mastery in the field of inheritance. The lawyers can also benefit tremendously from this book.

The book is very comprehensive, researched, and has been presented in a clear text. Therefore, beauty has been added to the benefit. We make du’ā that may Allāh سُبْحَانَهُ وَتَعَالَىٰ accept it and make it beneficial for the readers. May He make it a treasure in the hereafter for the author. Āmīn

Nizām ud Dīn (رَحِمَهُ ٱللَّٰهُ)

16 Rabi ul Awwal 1392

This lowly one agrees with the view of Hadrat Muftī Nizām ud Dīn.

(Muftī) Mahmūd رَحِمَهُ ٱللَّهُ

16 Rabi ul Awwal 1392

This lowly one also studied portions of the book. The effort of Maulānā Muftī Mahmūd Hasan Ajmerī deserves praise. He has explained certain complex and difficult rulings very well, in a clear manner. May Allāh سُبۡحَانَهُ وَتَعَالَىٰ accept this work and make it a treasure for him in the hereafter. Āmīn.

With these few words, this lowly one also agrees with the view of Hadrat Muftī Nizām ud Dīn.

Sayyid Ahmad Ali Sa’īd

16 Rabi ul Awwal 1392

Preface

Rasūlullāh صَلَّى ٱللَّهُ عَلَيْهِ وَسَلَّمَ classified the knowledge of inheritance as half of knowledge. However, in the present day syllabus, there is only one book (Sirājī) of this lofty science that is taught. The students are not familiar with the language and style of this work. As a result, majority of the students are deprived of the reality of studying it.

After the publication and acceptance of Mu’īn ul Farā’id, the students insisted that together with the research, ease, comprehensiveness and brevity of it, such a book should be prepared – in line with the modern education system – that would be worthy of being taught in colleges, universities and Islāmic Madāris. It should also be an aide to the lawyers, Muftīn and students preparing for examinations. Subsequently, looking at these aspects, with twenty five years of experience in education, the sketch that was formed in my mind is in the form of Mu’īn ul Farā’id. We make du’ā that may Allāh سُبْحَانَهُ وَتَعَالَىٰ make this work the best everlasting reward and may He make it beneficial for the scholars and students. Āmīn

The value of the book can be gauged by the masters of the field and those with foresight. However, for the sake of general understanding, we say this much that effort has been made to present the researched subject matter comprehensively and in an easy to understand method. Thereafter, tables and scales are given, in order to easily register and memorise the material.

There is an additional section at the end in which the terminology of the science, exercises, translations of the Arabic names of the relatives and important tables are mentioned. In essence, great effort was made to present a book that would have the necessary characteristics and beauty for the syllabus. It is now the duty of the administrators of the Madāris to add it to the syllabus for the ease of the students if they find it to have these characteristics. After this, if they also teach Sirājī, then besides knowing the entire subject, it will help to master it.

إن أريد إلا الإصلاح ما استطعت وما توفيقي إلا بالله

Mahmūd Hasan

Note: Every possible effort was made for this book to be worthy of being made part of the syllabus. Then too, if there are any deficiencies, correct them and please inform us so that it could be corrected in future editions.

بسم الله الرحمن الرحيم

نحمده ونصلي على رسوله الكريم

Introduction

Before beginning the study of any science, the definition, subject matter, objective and terminology is presented as in introduction so that it will be easy for the student to grasp the science and acquire foresight into it. therefore, before beginning the science of *‘Farā’id’*, the definition, subject matter, objective and a few of the special terms are presented so that it could be easy to grasp it.

Definition:

This is the knowledge of laws and subsidiary rulings of Fiqh, which, if known, will allow a person to learn the shar’ī heirs and how to divide the estate among them according to the principles of the shari’ah.

Subject Matter:

The estate of the deceased and the heirs.

Objective:

The objective of this knowledge is to learn the lawful heirs and their shar’ī rights (in amount/value).

Reason behind the name:

Farā’id is drawn from *farīdah*. This means ‘stipulation’. Because in this science, the shares of the heirs are explained, their shares have been stipulated by Allāh سُبۡحَانَهُوَتَعَالَىٰ, therefore, it is called the science of *Farā’id*.

Status:

Rasūlullāh صَلَّىٱللَّهُعَلَيۡهِوَسَلَّمَ said, “The forms of knowledge are three, and besides them, the others are superfluous. The resolute verses, the established Sunnah, just shares (farīdah).”

Rasūlullāh صَلَّىٱللَّهُعَلَيۡهِوَسَلَّمَ said, “Learn and teach Farā’id for it is half of knowledge.”

A narration states, “It is my Sunnah, and it is the first thing that will be taken from my ummah.”[1]

The virtue and importance of this science, as compared to the others, is apparent in the light of these statements. However, for educational purposes, before studying it, it is very important to have knowledge of mathematics, together with Arabic grammar, etymology and juristic rulings.

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[1] Majma al Anhur

Estate:

The wealth, (whether cash or owed by debt), that the deceased leaves behind. This is on condition that no one has right in it, e.g. the wealth of the deceased that is kept as security for a debt of the deceased, or the price of goods that have not yet been paid, and the buyer passed away before taking possession. Because the right of the creditor or seller is linked to it, this wealth will not be part of the estate.

Rights due from the Estate and the Recipients in Sequence

1. **Shrouding and Burial**: The estate will be first used for the burial and shroud of the deceased, even if the entire estate is used up for it. however, moderation should be adopted in the shroud, e.g. the shroud should of that cloth which the deceased would wear during his life on ‘Id, Jumu’ah and when meeting relatives.

2. **Debts**: Whatever is left after the shrouding and burial, it will be used for the debts of the

deceased, i.e. that which is linked to the rights of people, even if the entire estate is used up.

If the estate is not sufficient for the debts, then a strong loan *(dayn qawī)* will be given preference over a weak loan *(dayn da'īf)*, e.g. the debt that is linked to his time of health, it is proven and established (with documents etc.), it will be given preference over the debt that is proven only through the confession of the deceased (before he passed away). If there are a number of loans of the same type, then it will divided from the estate according to their amounts.

Zakāt, Kaffārah etc. are not linked to the rights of people, but they are rights due to Allāh سُبْحَانَهُ وَتَعَالَى. Therefore, these types of debts fall away in this world. Yes, the heirs have a choice, if they wish to pay these from their own wealth, they can do so. Alternatively, if the deceased made a bequest that they be fulfilled, then it will fall under the ruling of the bequest.

3. **Bequest (Wasiyyat)**: Whatever wealth is left over after paying the debts, the bequest of the deceased will be paid from a third.

   Bequest refers to that wealth which the deceased specified a person or cause in which to be spent. The condition for executing a bequest is that it should not be more than a third. It should not be for such a person that has a lawful right in the estate when the deceased passes away. Moreover, it should not be for a *non-Shar’i* purpose. If a bequest was made for more than a third, then it will not be executed without the permission of the other heirs.

Heirs and their Types

After shrouding, burial, debts, and executing the bequest, whatever wealth remains of the estate, it will be divided amongst the heirs in accordance to the Qur’ān, Sunnah and consensus of the ummah.

There are three types of heirs; *Dhawil Furūd*, *Asabāt* and *Dhawil Arhām*. They are explained in sequence below:

4. **Dhawil Furūd**: These are the individuals for whom the Qur’ān, Sunnah and consensus of the ummah have stipulated specific shares. Among the heirs, the shares will be first given to the *Dhawil Furūd*. If there is anything left, it will be given to the *Asabāt*.

5. **Asabāt Nasabī:** *Asabāt* are those people, if they are present alone, the entire estate will be divided among them, and if they are with the *Dhawil Furūd*, they will be deserving of the remainder. These *Asabāt* are of two types; *Asabah Nasabī, Asabah Sababī*. *Asabah Nasabī* are those people that have a family link with the deceased, like, father, grandfather, grandchild. A detailed explanation will follow.

6. **Asabāt Sababī:** This refers to the one that is freed by the deceased, or the *asabāt nasabī* of the deceased that freed, i.e. this deceased was a slave. His master freed him. So, if this freed person dies and there is no one to inherit the estate, it will go to this person. If he is not alive, then his *asabah nasabī* will inherit. However, remember that if the freed person is not there, then only the male relatives will inherit. Not the females. This is because the

females can only get the right of inheritance from the ones they freed, or the one freed by the freed one, not from the one freed by a relative.

7. **Radd bi Dhawil Furūd Nasabiyyah:** If wealth remains after giving it to the *Dhawil Furūd*, it will go to the *asabāt nasabī*. If they are not present, it will be given to the *asabāt sababī*. However, if there are no *asabāt* at all, then the remainder will be divided a second time among the *Dhawil Furūd* according to their shares. This is called *Radd*. The detailed explanation will be mentioned under *Radd*. Remember that *Radd* is only done upon the *Dhawil Furūd Nasabī*, not upon the *Dhawil Furūd Sababī* (spouses).

8. **Dhawil Arhām:** All the relatives besides the *Dhawil Furūd* and *asabāt* are called *Dhawil Arhām.* For example, grandchildren, nephews and nieces, paternal aunt, maternal aunt, maternal uncle, maternal grandfather etc. If none of the above-mentioned people are present, then the estate will be divided amongst the *Dhawil Arhām*. A detailed explanation will follow in the section of *Dhawil Arhām*. Among the *Dhawil Furūd*, if only the

sababī relatives (spouses) are present, then whatever remains from their share, and there is no *asabah*, the remainder will go to the *Dhawil Arhām*.

9. **Maulal Muwālāt:** He is the person with whom the deceased made a pact of *Muwālāt*, i.e. if the deceased was someone with an unknown lineage, he told someone that you are my *maulā*. After my death, you are deserving of my wealth. If I commit any crime for which a penalty *(diyat)* must be paid, then you will have to pay it. After this agreement is concluded, if this person (with an unknown lineage) passes away and there is no recipient of the estate present, the *maulal muwālāt* will get it. (The person with whom an agreement was made during life). Moreover, if any of the spouses are present, but there is no recipient for the remainder, then the remainder will go to the *maulal muwālāt*.

10. **Muqar lahu bin Nasab alal Ghayr:** The person regarding whom the deceased had confessed to be family, such a family link that is not only proven through his confession. This is because; this confession implies an outsider intruding

into the lineage of someone else. For example, the deceased confessed that someone is his brother or uncle. Now, because this confession necessitates this outsider being brought into the lineage of the father or grandfather of the deceased, that is why, as long as the father or grandfather of the deceased does not verify it, he will not become the brother or uncle simply through the confession. However, when the confessor remains upon this confession until he dies and after his death, there is none of the above mentioned recipients, or the spouse is not present, then the remainder will go to this person *(muqar lahu bin nasab alal ghayr).*

11. **Mūṣā lahu bi Jamī’ al Māl:** The deceased made a bequest of all his wealth. However, in accordance to the *shar’ī* law, only a third will be given. The other two thirds will go to the other recipients. However, after investigation, it was found out that there was no recipient from the above-mentioned ones, so the remainder will go to this *mūṣā lahu bi jam’ī al māl*.

12. **Bayt ul Māl**: If none of the above-mentioned recipients are present, then the estate will go to the *Bayt ul Māl* (public treasury in the Islāmic

State). It will be used for the treatment of the ill, for looking after abandoned children, shrouding and burial of people without heirs etc.

13. **‘Atā’ liz Zaujayn:** If none of the above-mentioned recipients are present, then in the general books of Fiqh it is written that the estate will go to the *Bayt ul Māl*. However, when the latter day scholars saw that there is no *Bayt ul Māl* in our time, nor is this wealth used in *shar’ī* avenues, so if one of the spouses are alive, and there are none of the above-mentioned recipients, then the remainder will go to the spouse.

Factors that stop an Heir from Receiving Inheritance

Sometimes, certain underlying reasons and causes are found that deprive an heir from receiving inheritance. These are called *mawāni’ ul irth*. They are four; slavery, murder, difference of religion and difference of country *(dār)*. They are explained below:

1. **Slavery:** Whether the slavery is complete or deficient, i.e. whether it is a complete slave, or

mukātab[2]*, mudabbar*[3] or *umm walad*[4]. Because they do not own anything in entirety, which is why if anyone linked to them passes away, they will not have the right to receive anything from the estate. Moreover, they cannot stop others from getting inheritance.

2. **Murder:** Such killing that necessitates *qisās* (life for a life) or *kaffārah* (compensation). This will stop the murderer/killer from inheriting from the murdered/killed. This murder/killing is of three types; intentional *('amad)*, intentional-like *(shibh 'amad)*, mistaken *(khaṯa')*. Intentional means that the murderer/killer killed an innocent person wilfully, using an instrument designed to injure/wound, like a sword, sharp stone, gun, fire etc. This necessitates sin and *qisās*, not *diyat* or *kaffārah*.

   Intentional-like (*shibh 'amad*) is where kills an innocent person intentionally, using an instrument that is not designed to injure/wound, and death generally does not result from using it e.g. a small stone, wood. *Diyat* and *kaffārah* will be necessary, not *qisās*.

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[2] A slave whose master has made an agreement with, that if he pays a certain amount, the slave will be free.
[3] A slave who is promised freedom upon the death of the master.
[4] A female slave that bears the child of the master.

Mistaken killing *(khata')* is where an innocent person is killed, but the killer did not intend it. For example, a person fires an arrow towards a target or animal, and it hits someone, due to which he dies. This necessitates *diyat* and *kaffārah*, but not *qisās*. Because *kaffārah* is necessitated in intentional, intentional-like and mistaken, these cause the killer to be deprived of inheritance.

3. **Difference of religion:** When the deceased or the heir is a Muslim or vice-versa, then this difference of religion will deprive him of getting inheritance. No matter what differences there are between the various disbelievers, in the sight of Islām, they are all one, i.e. disbelief is one religion, no matter the form. Due to this, the non-Muslims will not be stopped from inheriting amongst themselves.

4. **Difference of country *(dār)*:** Amongst the non-Muslims, if there are two different subjects, it will cause deprivation of getting inheritance,

whether this difference is in reality *(haqīqatan)*, like one person being a *harbī*[5] and the other being a *dhimmī*[6]. Or, the difference is by way of ruling *(hukman)*, like one person being a *dhimmī* and the other being *musta’man*[7]. Alternatively, both of them are *musta’man* of two different *Dār ul Harb*[8]. A difference of country does not stop two Muslims from inheriting from each other.

5. **Confusion regarding who is the heir:** In certain works, confusion regarding the heir and the person whose estate is being divided is mentioned as part of the factors that cause deprivation of inheritance. For example, a number of relatives die at the same time by drowning, or they are burnt to death, or they died by the house collapsing and it is not known who died first and who died second. In such a case, they will not inherit from each other. Although this ruling stands correct in its

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[5] A person at war with the Islāmic State

[6] A non-Muslim citizen of the Islāmic State

[7] A non-Muslim that has come with peaceful intentions to the Islāmic State for a short while

[8] A country at war with the Islāmic State

place, yet a sound nature does not accept it among the factors that cause deprivation. It is probably because of this reason that works like Sirājī do not mention it.

The Shar’ī Shares and the Recipients

In the light of the Qur’ān, there are six stipulated shares: half (1/2), quarter (1/4), eighth (1/8), third (1/3), two thirds (2/3), sixth (1/6). The recipients *(dhawil furūd)* are twelve. Four are males, (father, grandfather, husband, uterine brother). Eight are female (wife, daughter, granddaughter, sister, consanguine sister, uterine sister, mother, grandmother). When each of them are found with various other heirs, different cases are created that will cause a decrease or deprivation in/of their share. These are called the conditions or states of the *dhawil furūd*.

Understanding and knowing these conditions is absolutely necessary in this science. The conditions are written below. All the *dhawil furūd* are mentioned below, with their shares. Understand them and learn them.

Shares of the *Dhawil Furūd* (Males)

The male *Dhawil Furūd* are:

Father, paternal grandfather, uterine brother, husband

Father:

The father has three states:

1. One sixth: If the deceased is survived by a son or grandson.
2. One sixth plus the remainder: If the deceased is survived by a daughter, granddaughter.
3. Only the remainder: If the deceased did not have any surviving children.

Paternal grandfather:

The paternal grandfather has four states:

1. One sixth: When the deceased is survived by a son, grandson and the father is not present
2. One sixth plus the remainder: When the deceased has a surviving daughter, granddaughter and there is no father.

3. Only the remainder: When the deceased’s father has no children.
4. *Mahjūb*, i.e. deprived: When the father of the deceased is still living.

Uterine Brother:

The uterine brother has three states:

1. One sixth: When alone, and the father and grandfather or any other children are not surviving.
2. One third: When two or more and the father, grandfather and children of the deceased are not surviving.
3. Deprived: When the deceased’s father, grandfather or children are living

Husband:

The husband has two states:

1. Half: If the deceased has no children
2. Quarter: When the deceased has children

Shares of the *Dhawil Furūd* (Females)

The female *dhawil furūd* are:

Wife, daughter, granddaughter, full sister, consanguine sister, mother, grandmother

Wife:

The wife has two states:

1. Quarter: When the deceased has no children.
2. One eighth: When the deceased has children.

Daughter:

The daughter has three states:

1. Half: When alone and the deceased does not have a son.
2. Two thirds: When there are two or more and the deceased does not have a son.
3. Half of the son’s share: When the deceased has a son (whether from the mother of this girl, or another wife).

Granddaughter:

The granddaughter has six states:

1. Half: When she is alone and the deceased does not have a son, daughter, grandson etc.
2. Two thirds: When there are two or more and the deceased does not have a son, daughter, or grandson.
3. One sixth: When the deceased has one daughter and there are no sons or grandsons.
4. Half of the grandson’s share: When the deceased has no son and there are grandsons, granddaughters. So, the remainder after giving the daughter/s will be divided among the grandchildren in such a way that the males will get twice the share of the females.
5. Half of the grandson’s share: If the deceased has no sons or daughters and there are grandchildren, then the male grandchildren will receive twice the share of the female grandchild.
6. Deprived: When the deceased has a surviving son, or two daughters and there are no grandsons.

Real Sister:

The real sister has five states:

1. Half: When alone and there are no brothers, grandfather, or children.
2. Two thirds: When there are two or more and there is no brother, father, grandfather or children.
3. Remainder with the daughter and granddaughter: When the deceased has a daughter or granddaughter and there is no brother, father, grandfather or children present.
4. Half of the brother’s share: When the deceased’s brother is present, and there are no male children or grandfather surviving.
5. Deprived: When the deceased has a surviving father, grandfather or male children.

Consanguine Sister:

The consanguine sister has seven states:

1. Half: When there is one and there are no real sisters and brothers and consanguine brothers, father, grandfather and children surviving.

2. Two thirds: When there are two or more and no real sisters and brothers, father or grandfather and children.
3. One sixth: When there is only one real sister and no consanguine brothers, father, grandfather and children surviving.
4. Remainder with the daughter, granddaughter: When there is a daughter or granddaughter and there is no brothers and sisters, consanguine brothers, father and grandfather surviving.
5. Half of the brother’s share: When she is with the consanguine brother and there is no real brother, father or grandfather surviving.
6. Deprived: When there are two real sisters present and no consanguine brother. Or, there is one real sister that took the remainder.
7. Deprived: If there is a father, grandfather or male children, then all types of brothers and sisters will be deprived.

Mother:

The mother has three states:

1. One third of the entire estate: When the deceased does not have any children, or two or more brothers or sisters from any side.
2. One sixth: When the deceased has children, or two or more brothers or sisters from any side.
3. One third after the share of one of the spouses. This will only be applied in two cases; when the heirs are either wife and parents, or, husband and parents.

Grandmother:

The grandmother has two states:

1. One sixth: Whether one or more, one condition that they are of the same level.
2. Deprived: In the presence of the mother. Every closer relative will deprive the one further away.

Asabāt/Asabah

In the introduction you have learnt that the *asabāt* are those, who, if alone, they will receive the entire estate. If they are with the *dhawil furūd*, they will deserve the remainder.

There are two types. Asabah Nasabī and Asabah Sababī. *Sababī* refers to the freed slave. This is rare or non-existent today. *Asabah Nasabī* are those that have a family link to the deceased. There are three types; Asabah Binafsihī, Bighayrihī, Ma’a Ghayrihī.

1. *Asabah Binafsihī* are those males that are linked to the deceased in such a way that no female comes in between.
2. *Asabah Bighayrihī* refer to the daughter, granddaughter, or consanguine sisters that get half the share of their brothers.
3. *Asabah Ma’a Ghayrihī* are the real or consanguine sisters that are joined to the daughters or granddaughters and are given the remainder of the share of the daughters or granddaughters. This is instructed in the hadīth, (اجعلوا الأخوات مع البنات عصبة).

Generally, *asabah* refers to *asabah binafsihī* because in essence, *asabah bighayrihī* and *ma’a ghayrihī* women are part of the *dhawil furūd*. They become *asabah* in certain cases.

Asabah Binafsihī

In terms of being worthy of the estate, the *asabah binafsihī* are divided into four types.

1. The progeny of the deceased, i.e. son, grandson, going downwards.

2. The forbear of the deceased, i.e. father, grandfather, great grandfather
3. Progeny of the close forbear, i.e. male children of the progeny of the father like brother, nephew
4. Progeny of the far forbear, i.e. male children of the progeny of the grandfather, like uncle and uncle’s son

From the above four types of *asabah binafsihī*, the first will be deserving of the estate, then the second, then the third, and then the fourth.

If there are a number of worthy recipients, then the closest to the deceased will be more deserving, e.g. if the son and grandson are present, then the son will be deserving, not the grandson.

If there are a number of individuals of one type, if there is a difference in the strength of their closeness to the deceased, then the closer person will be given preference. For example, there is a real brother of the deceased, another consanguine brother. The real brother will be the heir, not the consanguine brother. This consideration will be applied to their children as well.

If they are equal in all respects, then they will all share the estate equally.

The summary is that three forms of preference will be considered in the *asabah binafsihī* being worthy of inheritance. Firstly, rank of the type of *asabah*. Secondly, preference to the closer *asabah*. Thirdly, preference to the one that is stronger in closeness.

Asabah bighayrihī

Asabah bighayrihī are those women who have a share of half or two thirds. When they come together with their brothers, the half or two thirds will be jointly distributed to the brothers and sisters, such that the males will get double the share of the females. There are four types of women in total. Daughters, granddaughters, real sisters, consanguine sisters. These four can be further summarized into two main types. 1. The children of the deceased like daughters and granddaughters, 2. Those linked to the father of the deceased, like the real and consanguine sister.

In the first type, the *asabah bighayrihī* do not end at any point. However, the second type is restricted to the progeny of the father, i.e. among the children of the deceased, if there are granddaughters with their brothers at the third or fourth generation, then they will become *asabah bighayrihī* due to their brothers. However, the progeny of the father of the deceased, i.e. the real or the consanguine sisters could become *asabah bighayrihī* on account of their brothers. From the children of the brother, a girl will not become *asabah bighayrihī* due to the brother.[9] For example, if the deceased left a nephew or niece, the nephew will inherit, not the niece because the nephew is *asabah* and the niece is from the *dhawil arhām*. They do not inherit with the *asabāt*.

1. In terms of being worthy of receiving inheritance, understand the male children in this way that every male is *asabah binafsihī* and every female on their own is *dhawil furūd* and with their brothers, they become *asabah bighayrihī*.
2. Whoever is linked to the deceased, and there is a female that comes in between, whether it is a male or a female, that person will not be *asabah*, nor *dhawil furūd*, but he/she will be counted as *dhawil arhām*.
3. Regarding children, every male child that is linked to the deceased through a relative, or without a relative, he will stand as *asabah binafsihī*. This *asabah*, at whichever level he is,

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[9] Those women that do not deserve half or two thirds, there are two reasons for them not becoming *asabah bighayrihī*. Firstly, in the Qur’ān, the verse of two shares to one only applies to daughters and sisters. Secondly, women are made *asabah* in order to decrease the share of the male heir. So, the woman that does not have a share, there is no fear that her share will become equal or more than the male heir.

whether alone or with his sisters, he will prevent every male and female beneath him from inheriting. Moreover, the daughters and granddaughters of the same level and the granddaughters above will be made *asabah bighayrihī* with him, the one that did not get anything as his stipulated share.

4. The daughter of the deceased, and the daughter of the closest male children of the deceased, if they are alone, then like the daughter, they will get half. The one that is a generation lower will get a sixth and the rest that are lower will be deprived. However, if there is someone of the same level, or even lower, then that grandchild will get two shares to one with the granddaughter of the same level. The same will apply to the deprived granddaughters, while those beneath will be deprived.
5. The closest two daughters or two granddaughters are present, they will get two thirds like the daughters. The granddaughters of the lower level will be deprived. However, through the above method, if there are grandsons of the same level or lower, then that grandson will make the deprived granddaughters into *asabah bighayrihī* in the remainder of the estate (those that are of the same level or above).

Asabah ma’a Ghayrihī

The real or consanguine sisters, when they come together with the daughter of the deceased or granddaughter, then in accordance to the hadīth (إجعلوا الأخوات مع البنات عصبة), these sisters are given a share from the share of the daughter or the granddaughter. They are called *asabah ma’a ghayrihī*. Remember that this type of *asabah* is only for the sisters of the deceased. The daughters of the brother and sister of the deceased cannot become *asabah ma’a ghayrihī*.

Also remember that closeness to the deceased is also considered, i.e. if there are daughters and real and consanguine sisters, then the daughter will take her half share and the other half will go to the real sister as *asabah ma’a al ghayr*. The consanguine brother and sister will be deprived.

Dhawil Arhām

You have studied in the introduction that there are three types of relatives to a deceased person. *Asabāt, Dhawil Furūd* and *Dhawil Arhām*. If the *Dhawil Furūd* or *Asabah* are present, the *Dhawil Arhām* will be deprived. However, in the absence of the *Asabāt* and *Dhawil Furūd Nasabī*, the *Dhawil Arhām* will be deserving of the estate by way of *Asabah*, i.e. there are no specific shares for them like the *Dhawil Furūd*, but whoever is closest to the deceased, they will get the entire estate like the *Asabah*, while the rest will be deprived. In terms of being deserving of inheritance, they are divided into the following four types;

1. The children of the deceased, i.e. daughters and children of the granddaughters

2. Forbears of the deceased, i.e. *fāsid* grandfather and *fāsid* grandmother

3. Children of the father of the deceased, i.e. every type of sister, uterine children and daughters of the real and consanguine brothers

4. Children of the grandfather and grandmother, i.e. paternal aunts, uterine uncles, maternal uncles, maternal aunt and her children, and the daughters of the real or consanguine uncle

If all these types are present, then the first type will be given, if not present, then the second type, if not present, then the third type, if not present, then the fourth will get the estate.

If there are a number of individuals of one type present, then, like the *Asabāt*, the closest will be given preference. If they are equal in rank, then the strongest in terms of closeness will be given preference, and if they are equal in all respects, then they will be deserving equally. However, a male will be given double the share of a female. Remember this much regarding the relatives at this point. The rest of the details will follow in the explanation of *Dhawil Arhām*.

Hajab

The meaning of *hajab* is to stop or prevent. *Hajab* here means that when a *mahjūb* (prevented) heir is found with a heir more deserving (*hājib*), he will stop the other person from inheriting. There are two types. *Hajab Hirmān, Hajab Nuqsān*. In *Hajab Hirmān*, the heir is totally deprived and in *Hajab Nuqsān*, the heir is partially deprived.

The difference between a *Mahrūm* and someone who is *Mahjūb Hirmān* is that in the case of the *Mahrūm*, he has such a quality due to which he holds no status of deserving inheritance, and in *Mahjūb*, his status of being an heir remains, but in the presence of a more deserving heir, he is stopped from getting inheritance.

There are five heirs that an heir is *Mahjūb* by way of *Nuqsān*. Husband, wife, mother, daughter of the son (granddaughter), consanguine sister.

There are countless types of heirs that are deprived by way of *Hirmān*. However, there are six heirs that will never be deprived. Son, father, mother, daughter, husband, wife. Besides them, the rest will sometimes inherit and sometimes they will be deprived by way of *Hirmān*.

Although the heirs in Hajab Hirmān are countless, there are two easy laws that will allow us to recognise them. Firstly, the closest will deprive the further one, e.g. the father will deprive the grandfather and the son will deprive the grandson. Secondly, in linking every heir to the deceased, there is someone that is the means. In the presence of this person, the heir will be deprived, e.g. when linking the grandfather to the deceased, the father comes in between and when linking a grandson to the deceased, the son comes in between. So, in the presence of the father, the grandfather will be deprived, and in the presence of the son, the grandson will be deprived.

This law will break when it comes to the children of the mother, whether the person is linked to the deceased by way of the mother, and then too, in the presence of the mother, they will inherit and will not be deprived. However, the reason is that the mother is such a means that she is such a person that does not hold the status of inheriting all the wealth. Therefore, in her presence, the *Aulād ul Umm* (children of the mother) can inherit. Contrary to the means of the *asabāt* because they become worthy of the entire estate. Therefore, those that come after are deprived.

A *Mahrūm* heir cannot deprive another heir, but a *mahjūb* heir can make *hajab* in both ways of another heir. For example, a disbelieving son cannot make *hajab nuqsān* to his mother, nor can he make *hajab hirmān* to his brother. However, two sisters, or two brothers, or one sister, or one brother will be automatically made *mahjūb hirmān* in the presence of the father. Despite this, the mother is deprived and brought from a third to a sixth, and the paternal grandmother is deprived in the presence of the father. Yet, because of closeness, the maternal grandmother of the mother will be deprived by way of *Hirmān*. The details of *Hajab* are presented below. This includes an explanation of *Hajab Hirmān*, *Hajab Nuqsān*, the *Hājib*, the *Mahjūb* and the amount of *Hajab*. The teachers should ensure that the students memorize this.

1. Husband – he gets ½ before *Hajab*, ¼ after *Hajab*
2. Wife – she gets ¼ before *Hajab*, 1/8 after *Hajab*
3. Mother – she gets 1/3 before *Hajab*, she will get 1/6 if the deceased has children, or two brothers or two sisters
4. Son – *asabah*
5. Father –*asabah*, but in the presence of children he will get 1/6
6. Daughter – her share is 1/2
7. Grandson – *asabah*, will be deprived in the presence of the son
8. *Sahīh* grandfather – *asabah*, will get 1/6 in the presence of children, will be deprived in the presence of the father
9. Son’s daughter – her share is ½, will go to 1/6 in the presence of the daughter, will be deprived completely if there are two daughters of the deceased

10. Real sister – her share is ½, will be deprived completely if there are male children, father and Sahīh grandfather

11. Consanguine sister – her share is ½, if there is a real sister, she will get 1/6. Will be deprived completely if there is a brother or two sisters or real sister or male children or father or grandfather

12. Uterine brother or sister – 1/3 or 1/6. Will be deprived completely in the presence of children, father, or grandfather

13. *Sahīh* grandmother – her share is 1/6. Will be deprived in the presence of mother, father, except relations from the mother’s side

14. Real brother – *asabah*, will be deprived in the presence of male children, father, grandfather

15. Consanguine brother – *asabah,* will be deprived in the presence of male children, real brother, son, real sister

Makhārij

Makhārij refers to the lowest common denominator, in order to divide the estate without having to resort to fractions/comma.

You have studied that in the Qur'an, the shares that are stipulated for the heirs are 6. They are divided into 2,

½, ¼, 1/8

1/3, 2/3, 1/6

1. If in the division, one of these shares have to come, the lowest common denominator will be in accordance to that particular category. For example, if the share of an heir is ½ only, the lowest common denominator will be 2. If 1/4 comes, then 4, if 1/8, then 8, 1/3, then 3, 2/3, then also 3. If 1/6, then the lowest common denominator will be 6.

2. If from one line, 2 or more shares come together, then the highest will be kept as the *makhraj*, e.g. if ¼ and 1/8 come together, then the division will be done out of 8. If 1/3 and 1/6

come together, the division will be done out of 6

3. If shares from both lines come together, then think, if only ½ comes together with all or some of the shares of the second line, the division will be done out of 6. If ¼ from the first line comes with all or some of the shares of the second line, the division will be done from 12. If 1/8 comes together with all or some of the shares of the second line, the division will be done out of 24.

4. Remember well that the division will not be from any other number but these 2, 3, 4, 6, 8, 12, 24. Yes, if there is an exception like in the case of ‘aul and radd, then it will be explained in those chapters. There are various forms with these shares that are mentioned below.

½ - LCD (2) - Deceased

Husband (1)   Father (1)

The husband was given his share (1/2), the rest was given to the father

¼ - LCD (4) – Deceased

Wife (1)   Brother (3)

The share of the wife was ¼; the rest was given to the brother

1/8 – LCD (8) – Deceased

Wife (1)   Son (7)

The share of the wife (1/8) was given, the rest was given to the son

1/3 – LCD (3) – Deceased

Mother (1)   Brother (2)

The share of the mother was given, the rest was given to the brother

2/3 – LCD (3) – Deceased

Two daughters (2)   Uncle (1)

The share of the two daughters was given; the rest was given to the paternal uncle as *asabah*

1/6 – LCD (6) – Deceased

Mother (1)   Son (5)

The share of the mother was given (1/3), the rest was given to the son.

½ and 1/8 – LCD (8) – Deceased

Wife (1) Daughter (4) Brother (3)

The share of the wife is 1/8, the share of the daughter is (1/2) and the rest is given to the brother

1/3 and 2/3 and 1/6 – LCD (6) – Deceased

Mother (1) Two sisters (4) Uterine brothers (2)

The share of the mother is 1/6, 2/3 for the sisters, 1/3 for the brothers, ‘Aul to 7 was applied.

½ and 1/6 – LCD (6) – Deceased

Daughter (3) Grandmother (1) Grandson (2)

The daughter gets ½, 1/6 for the grandmother and the rest is given to the grandson

1/3 and 2/3 – LCD (6) – Deceased

Husband (3) Two sisters (4)

The share of the husband is ½, the two sisters were given 2/3, the Aul ruling was applied

½ and 1/3 – LCD (6) - Deceased

Sister (3) Mother (2) Uncle (1)

The share of the sister is ½, the share of the mother is 1/3, the rest was given to the uncle

¼ and 1/3 – LCD (12) – Deceased

Wife (3) Mother (4) Sone of the Uncle (5)

The share of the wife is ¼, the mother 1/3, and the rest was given to the nephew

¼ and 2/3 – LCD (12) – Deceased

Husband (3) Two daughters (8) Nephew (1)

The share of the husband is ¼, two daughters get 2/3, the rest is given to the son of the brother

¼ and 1/6 – LCD (12) – Deceased

Husband (3) Grandmother (2) Son (7)

The share of the husband is ¼, grandmother is 1/6, the rest goes to the son

1/8 and 2/3 – LCD (24) – Deceased

Wife (3) Two daughters (16) Grandson (5)

The share of the wife is 1/8, share of the two daughters is 2/3, the rest goes to the grandson

1/8 and 1/6 – LCD (24) – Deceased

Wife (3) Mother (4) Son (17)

The share of the wife is 1/8, the mother gets 1/6 and the rest goes to the son

½, 1/8 and 1/6 – LCD – Deceased

Wife (3) Daughter (12) Mother (4) Son of the uncle (5)

The share of the wife is 1/8, daughter gets ½, mother gets 1/6 and the remainder goes to the *asabah*.

‘Aul

The meaning of *‘aul* is to incline, increase, ascend. The meaning of *‘aul* here is that when the calculation is done, and the lowest common denominator is exhausted in the shares of the *dhawil furūd*, then the lowest common denominator will be increased.

The explanation for this is that in the inheritance calculation, it will be done according to the law discussed in *makhārij*. However, sometimes it happens that the lowest common denominator is less than the shares of the *dhawil furūd*. In such a case, the lowest common denominator will be increased and all the shares will be given from the increased figure. This is called *‘aul*. This calculation is called *‘ā’ilah* or *‘auliyyah*. The situation where there is no need to make this increase is called *ghayr ‘ā’ilah* or *ghayr ‘auliyyah*.

From experience it is proven that from the seven above mentioned *makhārij*, there will be no need for *‘aul* in 2, 3, 4 and 8. In three (6, 12 and 24) there will sometimes be a need. It will be increased to 7, 8, 9 or 10. 12 will be increased to 13, 15 or 17, while 24 can only be increased to 27. There are examples of *‘aul* given, the teachers should explain them well to the students.

‘Aul **from 6:**

Deceased - LCD (6), ‘Aul (7)

Wife (3) and Two Sisters (4)

½ and 2/3 come together. The LCD is 6. The total shares are 7. The *‘aul* was done from 7

Deceased – LCD (6) ‘Aul (8)

Wife (3) Two sisters (4) Mother (1)

½, 2/3 and 1/6 come together. The LCD is 6. The total shares are 8. The *'aul* will be done from 8.

Deceased – LCD (6) 'Aul (9)

Wife (3) Two Real Sisters (4) Two Uterine Sisters (2)

½, 2/3, 1/3 come together. The LCD is 6. Total shares are 9. The *'aul* will be done from 9

Deceased – LCD (6) 'Aul (10)

Wife (3) Two Real Sisters (4) Two Uterine Sisters (2) Grandmother (1)

½, 2/3, 1/3, 1/6 come together. The LCD is 6. Total shares are 10, so the *'aul* will be done from 10.

'*Aul* from 12:

Deceased – LCD (12) 'Aul (13)

Wife (3) Two Real Sisters (8) Mother (2)

¼, 2/3, 1/6 come together. The LCD is 12. The total shares are 13, so the *'aul* will be done from 13.

Deceased – LCD (12) 'Aul (15)

Wife (3) Two Real Sisters (8) Two Uterine Sisters (4)

¼, 2/3, 1/3 come together. The LCD is 12. Total shares are 15. The *‘aul* will be done from 15.

Deceased – LCD (12) ‘Aul (17)

Wife (3) Two Real Sisters (8) Two Uterine Sisters (4) Mother (2)

¼, 2/3, 1/3, 1/6 come together. The LCD is 12. Total shares are 17. *‘Aul* will be done from 17

***‘Aul* from 24:**

Deceased – LCD (24) ‘Aul (27)

Wife (3) Two daughters (16) Mother (4) Father (4)

1/8, 2/3, 2 x 1/6 come together. The LCD is 24. Total shares are 27. ‘Aul will be done from 27

Necessary Guidelines and Explanation about the calculation and specifying the *Makhraj*

When a calculation of inheritance comes before you, then first think over the heirs. Are they all *‘asabah* or all *dhawil furūd* or are both types together.

1. If they are all *‘asabah*, then make the calculation from the total number of people, e.g. Deceased – LCD (3)

Son (1) Son (1) Son (1)

All 3 sons are *‘asabah*, so make the calculation from the total number of individuals, 3 in this case and give each their share.

2. If all are *dhawil furūd*, or the *dhawil furūd* and *‘asabah* come together, then first draw a line and write down all the *dhawil furūḏ*. Then, write the *‘asabāt* if present. In such a case, when making the calculation, do not ever think about the *‘asabāt*, but consider the shares of the *dhawil furūḏ* and use the laws studied before in specifying the LCD. In accordance to this, write the LCD on top. Then give the shares of the *dhawil furūḏ* first. Now, if there is anything left, write it for the *‘asabah*, e.g.

Deceased – LCD (6)

Husband (3) Two Uterine Sisters (2) Real Sister (1)

The share of the husband (1/2), the share of the uterine sisters (1/3) was given and the rest was given as *‘asabah*.

Otherwise, write (م) which stands for deprived and take them as such, e.g.

Deceased – LCD (6)

Husband (3) Two uterine sisters (2) Mother (1) Uncle (م)

The share of the husband was (1/2), (1/3) for the two uterine sisters, (1/6) for the mother. Nothing was left, so the uncle is deprived.

3. If the total shares of the Dhawil Furūd goes above the LCD, then put an ‘aul sign and write the increased LCD. In such a case, if there are ‘asabah, they will be deprived, e.g.

   Deceased – LCD (6) ‘Aul (7)

   Husband (3) Real Sister (4) Consanguine Brother (م)

   The share of the husband (1/2), (2/3) for the two sisters. The total shares are 7. The brother is deprived

4. After giving the share of the *dhawil furūd* from the LCD, if something remains and there is no deserving *‘asabah*, then in such a case, the

remainder will be redivided upon the *dhawil furūd*. This will be explained in the section on *Radd*.

Relationship between Numbers

In the laws of inheritance, we find that in the division, we need to resort to decimals. In such cases, there is a need to do *tashīh*. A person will be able to understand the laws of *tashīh* when he has knowledge of mathematics and its necessary laws and the relationship between numbers. This is the reason why this science seems to be a small thing in front of a mathematician, it seems to be the most difficult field for those who are unaware of the laws of mathematics. While considering this need, before discussing *tashīh,* the students are made familiar by way of introduction to the relationship between numbers. Remember that there can be one of the following 4 relationships between any two numbers;

1. Tamāthul
2. Tadākhul
3. Tawāfuq
4. Tabāyun

1. *Tamāthul*:

If one number is the same as the other, like 4 and 4, or 5 and 5. They are *Mutamāthilayn*, or the relationship between them is called *Tamāthul*.

2. *Tadākhul*:

If two numbers are such that the smaller number is a part of the bigger number, or the bigger number can be divided by the smaller number exactly, or the smaller number can be multiplied exactly to reach the bigger number, it will be called *Mutadhākilayn* and the link between them is called *Tadākhul*, e.g. 4 and 8, or 4 and 12. 4 is half of 8 and 4 multiplied by three is 12. 8 and 12 are both divided exactly by 4.

3. *Tawāfuq*:

If the smaller number is not part of the bigger number, nor can the bigger number be divided by it, but there is a third number needed to divide both, or, both numbers can be divided by the third exactly, then the link between them is called *Mutawāfiqayn* or *Tawāfuq*. The third number is called *wifq*. Like 6 and 9 or 8 and 12. For 6 and 9, they are divided by 3 and 8 and 12 are divided by 4. So, 3 is a part of 6 and 9 and 4 is a part of 8 and 12 and they are called the *wifq*.

4. *Tabāyun*

If the two numbers cannot be divided into each other and a third number cannot be found that can be used to divide both, then this is called *Tabā'inayn* or *Tabāyun*. Like 4 and 5, or 3 and 4 or 5 and 7.

More Explanation:

Remember the easy way to learn the relationship between two numbers is that if one number is the same as the other like 4 and 4, 6 and 6, then it is *Mutamāthilayn*. If they are not the same, but one is smaller and the other is bigger, then subtract the bigger number by the smaller number, once, or a few times till you reach the smaller number. If the bigger number comes down equally to the smaller number, then understand that the relationship between them is *Tadākhul*. If in subtracting, the bigger number goes smaller than the smaller number, then use the other number to subtract it. In this way, subtract every small number by the bigger number until both numbers are equal. So, if the bigger and smaller numbers come together on one, then understand than there is *Tabāyun* between them. If they come together on two or more than two numbers, then understand that there is *Tawāfuq* between them. Now, if this *Tawāfuq* comes onto 2, then the relation will be called *Tawāfuq bin Nisf*. If it comes onto 3, then it will be called *Tawāfuq bith Thuluth*, if four, then *Tawāfuq bir Rub’*, if it reaches 10, it will be called *Tawāfuq bil ‘Ashr*. After 10, the relationship will be referred to in a sentence form, e.g. *Tawāfuq bi juz’ min Ahada ‘Ashara* for 11 and *Tawāfuq bi juz’ min Ithnā ‘Ashar* for 12. Assume that we want to find out the relationship between 8 and 12, so subtract 8 from 12, 4 is left. Then, subtract 4 from 8, so 4 will remain on the top and bottom. So, we learn that 8 and 12 *is Tawāfuq bir Rub’*, e.g. 12/8/4 and 8/4/4. They come down to 4.

If you want to find out the relationship between 4 and 12, then subtract 4 from 12. 8 is left. Then subtract 4 again, 4 is left, i.e. the bigger number is now equal to the smaller number. So, we learn that the relationship between them is *Tadākhul*, e.g. 12/4/8 and 8/4/4/.

If we want to know the relationship between 5 and 9, then subtract 5 from 9. 4 is left. Then subtract 4 from 5, 1 is left. Then subtract 1 from four thrice until 1 is left. Finally, 1 is left on both sides. So, we learn that there is *Tabāyun* between 9 and 5, e.g. 9/5/4, 5/4/1, 3/1/2, 2/1/1.

Tashīh

In the rulings of inheritance, there are sometimes a few types of heirs that come together, e.g. the deceased has a few daughters, a few sisters, a few wives, a few grandparents, then in such a case, whatever share the group gets from the original LCD, when it is divided among the individuals of each group, then sometimes in this division, we need to resort to decimal fractions. In order to save ourselves from this, a number should be sought in the LCD and kept aside, such that all the heirs can get their shares without having to resort to decimal fractions. This is called *Tashīh*. *Tashīh* is from the most important rulings of this science. Therefore, the students must understand the laws and it is necessary to memorize them.

The meaning of *Tashīh* is ‘hale and healthy’. Here, *Tashīh* means that the smallest number be made the LCD and through it, all the heirs will get their shares without having to resort to decimal fractions.

There are 7 laws for making *Tashīh*. The first three deal with the individuals and the shares, and the last four deal with the individuals. The detail is presented below in sequence,

1. In the calculation, if the shares can be divided among the individuals without any decimal fractions, then take the calculation to be as *Tashīh* already and leave it, e.g.

   Deceased – LCD (6)

   Daughters (4) Mother (1) Father (1)

   If the calculation goes to *‘aul*, then take the *‘aul* as *Tashīh*, e.g.

   Deceased – LCD (6) ‘Aul (7)

   Husband (3) Real Sisters (4)

2. If in the calculation, we need to resort to decimal fractions for one group of heirs and the relationship between the individuals and shares is *tawāfuq*, then take the *wifq* of the individuals and multiply it to the original LCD and take the result as the *tashīh*, e.g.

   Deceased – LCD (6) x 3 = 18

   Daughters 6(4/12) Mother (1/3) Father (1/3)

   If the calculation is *‘aul*, then multiply by the *‘aul*, e.g.

Deceased – LCD (6) *‘aul* (7) x 3 =21

Husband (3/6) Sisters 6 (4/12)

3. If there are decimal fractions for only one group of heirs, and there is *tabāyun* between the individuals and shares, then multiply the total number of individuals by the original LCD and take the result as the *tashīh*, e.g.

   Deceased – LCD (6) x 3 = 18

   Daughters 3 (4/12) Mother (1/3) Father (1/3)

   If the calculation is *‘aul*, then multiply by the *‘aul*, e.g.

   Deceased – LCD 6) ‘aul (7) x 3 = 21

   Husband (3/9) Sisters 3 (3/12)

4. If in the calculation there are decimal fractions for two or more groups, and if there is *tamāthul* with the number of individuals (whether on its own, or after law 2, where the *wifq* is stipulated), then take one of the numbers of individual groups and multiply it by the original LCD. Take the result as the *tashīh*, e.g. Deceased – LCD (6) x 3 = 18

Daughters 6 (4/12) Grandmothers 3 (1/3) Uncles 3 (1/3)

If the calculation is *‘aul*, then multiply by the *‘aul*, e.g.

Deceased – LCD (6) *‘aul* (8) x 3 = 24

Husband (3/9) Grandmothers 3 (1/3) Sisters 6 (4/12)

5. If in the calculation, there are decimal fractions for two or more groups of heirs, and whichever group there is decimal fractions, there is a link of *Tadākhul* with the number of individuals, so whichever group has the most individuals, multiply it by the original LCD and take the answer as the *tashīh*, e.g.

Deceased – LCD (12) x 12 = 144

Wives 3 (3/36) Grandmothers 3 (2/24) Uncles 12 (7/84)

If the calculation is *‘aul*, then multiply by the *‘aul*, e.g.

Deceased – LCD (6) *‘aul* (8) x 6 = 48

Husband (3/18) Grandmothers 6 (1/6) Sisters 3 (4/24)

6. If in the calculation, there are decimal fractions in two or more groups, and the groups upon which this happens, there is *tawāfuq* with the

number of individuals, then the law of making *tashīh* is that take the *wifq* of one group and multiply it by the total number of people of the other group. Then take the answer and if there is *tawāfuq* with the number of individuals of the third group, then take one *wifq*, and multiply it by the total number of individuals. In this way, take the result of every multiplication and the number of individuals of the next group, and if there is *tawāfuq*, then take the *wifq* of one and multiply it by the number of individuals of the next. If there is *tabāyun*, then take the total of one and multiply by the total of the other. In this way, when this is done to all the groups of heirs, then the last answer will be multiplied by the original LCD and this will be taken as the *Tashīh*, e.g.

Deceased – LCD (12) x 36 = 432

Wives 4 (3/16/27) Grandmothers 9 (2/72/8) Uncles 6 (7/252/42)

If there is ‘aul, then multiply by the ‘aul, e.g.

Deceased – LCD – (12) ‘aul (13 x 36 = 468

Wives 4 (3/108/27) Sisters 9 (8/288/32) Grandmothers 12 (2/72/6)

7. If there are decimal fractions in two or more groups, and whichever groups upon which this happens, if there is a relationship of *tabāyun*, then the method of *tashīh* is that all the individuals of one group must be multiplied by the total number of individuals. Then, of the result and the total number of the individuals of the third group are *tabāyun*, then multiply the result by the total number of individuals of the third group. If there is *tawāfuq*, then take the *wifq* of one and multiply it by the total number of individuals of the next until when this is done to all the individuals, the last result must be multiplied to the original LCD and this result will be taken as the LCD, e.g.

Deceased – LCD (12) x 60 = 720

Wives 4 (3/180/45 Grandmothers 3 (2/120/40) Uncles 5 (7/420/84)

If the calculation is *‘aul*, then multiply by the *‘aul*, e.g.

Deceased – LCD (12) *‘aul* 13 x 60 = 780

Wives 4 (3/180/45) Sisters 3 (8/480/160) Grandmothers 5 (2/120/24

Now, when the LCD increases, then the share of every group will increase. Then, the total of every group should be divided upon the individuals in this way. The method is that the number that is multiplied by the LCD, it must be multiplied by the share of each group. The result will be the share of that group. Then, that share must be divided upon them. The result of the division must be taken as the share of each individual, like in the example.

The Method of Making *Tashīh* and Practise

When a *tashīh* calculation comes about, then first think over the question. Are there a number of the same heirs present or not? If there is no group of heirs of the same type, or there is a group and the shares can be divided among them without having to resort to decimal fractions, then understand that there is no need for *tashīh*. If there are a number of heirs of the same type and the shares cannot be divided equally among them, there is a need for *tashīh*. For *tashīh*, first write the calculation on a scrap piece of paper, then write it neatly so that when writing the answer, the numbers will be clear of any scratching out or erasing.

Start the *tashīh* calculation in this way, first draw a line representing the deceased. Then write if the husband or wife is alive, then the rest of the *dhawil furūd*, then every group of the *asabāt* separately, spouses, grandparents, daughters, granddaughters, real sisters, consanguine sisters, brothers and sisters, uterine sons, grandsons, real brothers, brother’s children, uncles, uncle’s children etc.

Remember that if there are males of one type together and females of one type together, then keep them separate in writing, but when giving the shares, then multiply the number of males and add it to the female heirs and take the total as one type. For example, if there are brothers and sisters that are heirs, then write it like this,

Real brothers 6/3 (9) Real Sisters 3

In this way, when all the heirs are written, then using the laws of calculation for the LCD, place the number for the calculation next to it. write the share of each type under the name as follows,

Deceased – LCD (12) ‘Aul (13)

Wives (2)	Sisters (3)	Grandmothers (8)	Uncles (5)
3	8	2	Deprived

Now, in order to find out the relationship between the shares and number of heirs and between the total number of each type of heir, write the number of heirs of each type and the shares above and below separately, e.g. 2/3 3/8 8/2 /4.

In accordance to the first three laws of *tashīh*, first think over the relationship between the shares and the number of heirs. Where there is *tabāyun* between the shares and the number of heirs, take the total number of heirs and where there is *tawāfuq*, take the *wifq* of the heirs and keep it aside, e.g. (from above) 2 – 3 – 4

In this way, when all the numbers of the types of heirs are recorded, then in accordance to the previous four laws of *tashīh*, begin the calculation, i.e. if the relationship between the number of heirs is *tamāthul*, then take any of the numbers of the heirs and take it as the multiplicant and multiply the original LCD. If there is *tadākhul* in the number of heirs, then whichever one is the highest, take it as the multiplicant, and multiply the original LCD. If there is *tawāfuq*, then take the *wifq* of one number and multiply it by the total of the next. Then take the quotient and the third number. If there is *tawāfuq* then take the *wifq* of one and multiply it by the total of the next. If there is *tabāyun*, then take the total and multiply it by the total of the next. Then take this quotient, and do the same thing with the fourth type of heirs. When this calculation is done with all the heirs, then take the last answer as the multiplicant and, and multiply the original LCD.

If there is *tabāyun* with the number of heirs, then take the total number of heirs of one type and multiply it by the total number of heirs of the next. Then, take the quotient and the third number of heirs. If there is *tabāyun*, then take the total of one and multiply it by the total of the next. If there is *tawāfuq*, then take the *wifq* and multiply it by the total of the next type of heirs. In this way, when the multiplication of all is complete, then take the last quotient and write it down separately. Multiply this by the original LCD and take the quotient as the *tashīh* and put the *tashīh* sign.

Now that the LCD has increased, the shares of the heirs will also increase. The way of doing this is that the multiplicant used to multiply the original LCD, multiply it by the share of every type and take the quotient and write it under the original share. In this way, when the share of every type is known, then divide the share upon the number of heirs and take the result as the share of each individual of that type. For example,

Deceased – LCD (12) ‘Aul (13) Multiplicant (12) - 156

Wives (2)	Sisters (3)	Grandmothers (4/8)	Uncles (5)
36/18	96/32	24/3	deprived

When you complete writing this, then write out the answer in a few sentences.

In the case above, after giving the rights before distribution of inheritance and when there are no means of deprivation, then the estate of Zayd will be divided into 156 parts. The wives will get a total of 36, 18 each. The sisters will get 96, 32 each and the grandmothers will get 24, 3 each. The uncles will not get anything from the estate of Zayd.

Sign it, stamp it and write the date and send it to the questioner.

Distribution of the Estate

Sometimes there will be vague questions in inheritance. The objective is to find out the shares of the heirs in brief. In reply to such a question, do the *tashīh* in the way explained above and a short answer can be given.

However, sometimes in the question, the estate is also given, that a certain person passed away. He left so much inheritance. The objective of the questioner is that among the present heirs, the amount for each heir should be written separately. In such a case, the *tashīh* must be done and then double effort must be made in dividing the estate.

If there is such a question, then first do the complete *tashīh*, then write the estate amount with the name of the deceased and think about the relationship between the estate and the *tashīh*. If there is a link of *tamāthul* between the estate and the *tashīh*, then whatever share each person gets from the *tashīh*, give them that share from the estate. For example,

Deceased – LCD (6) Estate 6 Dinar

Husband (3) Mother (1) Father (2)

In this case, the estate of Hindah was 6, the husband got 3, the mother got 1 and the father got 2

If there is *tawāfuq*[10] between the estate and the *tasīh*, then for ease of remembering, write the *wifq* of the *tashīh*, and the *wifq* of the estate. Now, if you want to find out the share of each heir, then whatever share comes from the *tashīh*, multiply it by the wifq of the estate and take the quotient and divide it upon the wifq of the *tashīh*. Whatever is the result, that will be the share of that group from the estate. For example,

Deceased – LCD (3) estate (15 Dinar)

Daughter (2/8) ¼ Daughter ¼ Brother (1/4) 2 Sister 1 Sister 1

Daughter – 5 Dinar

Daughter – 5 Dinar

Brother – 2 2/4 Dinar

Sister – 1 ¼ Dinar

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[10] In most inheritance laws, *tadākhul* is counted in the ruling of *tawāfuq*

Sister – 1 ¼ Dinar

There was *tawāfuq bith thuluth* between the estate and the *tashīh*. Therefore, the share of each heir was multiplied by the *wifq* of the estate. The quotient was divided by the *wifq* of the *tashīh*.

If there is *tabāyun* between the estate and the *tashīh*, then whatever share each type of heir or every heir will get from the *tashīh*, multiply it by the entire estate, and take the quotient and divide it upon the entire *tashīh*. Whatever is the result, take that to be the share of that group of heirs or that individual heir. For example,

Deceased – LCD (3) estate 13 Dinar

Daughter (2/8) ¼ Daughter ¼ Brother (1/4) 2 Sister 1 Sister 1

Daughter – 4 4/12 Dinar

Daughter – 4 4/12 Dinar

Brother – 2 2/12 Dinar

Sister – 1 1/12 Dinar

Sister – 1 1/12 Dinar

There was *tabāyun* between the estate and the *tashīh*, which is why the share of every heir was multiplied by the entire estate. The quotient is divided upon the entire *tashīh*.

Decimal Fractions

If there are decimal fractions in the estate, e.g. if the estate is 6, 5 or 6 ¼ Dinar, then in such a case, make the entire amount and then the *tashīh*, the same species as the *tashīh*. For example, the decimal fraction is ½, then multiply the estate by 2. Join the quotient to the ½, take the total as the estate amount. Similarly, multiply the *tashīh* by 2 and take the quotient as the *tashīh*. If the decimal fraction is a quarter, then multiply the estate by 4. Take the quotient, join it to the ¼, and take all four parts as the amount. Then, multiply the *tashīh* by 4, and take the quotient as the *tashīh*. In this way, when the estate and *tashīh* are made the same type as the decimal fraction, then take them as the estate and *tashīh* amount. Whatever is the relationship between them, use the above principles to solve, i.e. if there is *tawāfuq* between the *tashīh*, and estate, then take the share of each heir and multiply it by the *wifq* of the estate. Take the quotient and divide it on the *wifq* of the *tashīh*. Whatever is the result of the division, take it as the share of the heir from the estate. For example,

Deceased - LCD (6) Estate – 7, 5 Dinar

Husband (3) 3 ¾ Dinar Mother (1) 1 ¼ Dinar Father (2) 2 2/4 Dinar

Explanation:

In the estate, there was a decimal fraction of ,5 (1/2). The estate was multiplied by 2 and comes to 14. The 1, 5 was added and it comes to 15. In this way, the *tashīh* was multiplied by 2, resulting in 12. Between 12 and 15 there is *tawāfuq* at 3. Therefore, 3 from the *tashīh*, 4 and 5 from the estate. Now, multiply each share by 5 and take the *wifq* of the *tashīh* (4) and take the quotient and divide it upon the *wifq* of the *tashīh* (4). Take the result and give it as the shares of the heirs.

Similarly, understand the same from *tawāfuq* at 5.

Deceased – LCD (5) Estate – 6 ¼ Dinar

Daughter (1) 1 ¼ Dinar Daughter (1) 1 ¼ Dinar Daughter (1) 1 ¼ Dinar Son (2) 2 2/4 Dinar

If there is *tabāyun* between the estate and the *tashīh*, then take the share of every heir and multiply it by the estate and take the quotient and divide it upon the *tashīh*. Whatever is the result, take it as the share of the heir from the inheritance. For example,

Deceased – LCD (6) Estate – 6 ¼ Dinar

Husband (3) 3 3/24 Dinar Mother (1) 1 1/24 Dinar Father (2) 2 2/24 Dinar

Explanation:

In this example, the decimal point was ¼. So, the estate was multiplied by 4, bringing the answer to 24. The ¼ was also added, bringing it to 25. In this way, the *tashīh* was also multiplied by 4, coming to 24. There is *tabāyun* between 24 and 25. Therefore, the share of each person was multiplied by 25, the quotient was divided upon 24 and from the estate, each person’s share was stipulated.

Distribution of Inheritance among the Creditors

If there is a question dealing with dividing the wealth upon the creditors, then first, think, is the wealth of the deceased equal to the debts, more, or less. If the wealth of the deceased is equal to the debts, or the debts are more, then there is no need to make the calculation because the right of each debtor is known and the wealth of the deceased will be used to pay the debts.

If the estate is less and the debts are more, then in such a case, there is a need to make the calculation so that in relation to the debt, each creditor can be paid.

The method of dividing the estate among the creditors is that the share of each creditor should be taken as a share of a *dhawil furūd*. The entire debt should be taken as *tashīh*. Now, whatever is the link between estate and the *tashīh*, consider it and whatever laws you learnt in dividing the estate, use them to divide the estate among the creditors. For example,

Deceased – LCD (30) Estate – 12

Zayd (3 Dinar) 1 2/10 Dinar Ahmad (4 Dinar) 1 6/10 Dinar Khalid (9 Dinar) 2 4/10 Dinar Abdullah (9 Dinar) 3 6/10 Dinar Haamid (8 Dinar) 3 2/10 Dinar

Explanation:

The total debt is 30 Dinar. That is the *tashīh*. There is *tawāfuq* at 3 between 12 and 30. So, take the *wifq* of the estate (4) and multiply every debt amount. Take the quotient and divide it upon the *wifq* of the *tashīh* (10). Take the amount as the share for each debtor.

If there is a decimal fraction in the estate or share of the creditor, then in the light of the decimal fraction laws, increase the estate and *tashīh* and divide it in the same way among the creditors. For example,

Deceased – LCD (14) Estate – 6 ½ Dinar

Karim (2 Dinar) 26/8 Dinar Nadim (3 Dinar) 1 11/28 Dinar Sharif (4 Dinar) 1 24/28 Dinar Nazir (5 Dinar) 2 9/28 Dinar

Explanation:

In this example, the estate is 6,5 Dinar. Therefore, the estate(6) is multiplied by wifq, 2, to get 12. The decimal point is added after multiplication and it becomes 13. Similarly, the entire debt (14) is multiplied by 2, coming to 28. There is *tabāyun* between the estate and the *tashīh*, the law is then applied accordingly.

Takhāruj

Sometimes, one or some of the heirs come to an agreement with the others and in exchange of their shares, they are happy to agree upon an item or amount, and they give up their right. This is called *takhāruj*. So, if there is an enquiry of this type, then first write who are the heirs that have been removed and who are those not removed. Do the calculation and write the share of each heir beneath his name. Then, cut out the share of the heir from the *tashīh* and take the leftover as the *tashīh* for the heirs that were not removed.

For example, a woman passed away and left a husband, mother, uncle. The husband made an agreement with the other heirs to give up his share of inheritance in exchange of the dowry. So, the estate will be first divided into 6 parts, 3 for the husband, 2 for the mother and 1 for the uncle. Then, the 3 of the husband will be subtracted from the calculation in exchange of the dowry and the remaining 3 will be taken as the *tashīh* for the other heirs.

Two examples of *takhāruj* are mentioned below. Think over the answers and the method of calculation.

Deceased – LCD (6)

Husband – 3 (removed for dowry) Mother (2) Uncle (1)

Deceased – LCD (8)

Wife (1) Son (2) Son – 2 (removed for the house) Son (2) Daughter (1)

In reply to the first calculation, write that besides the dowry, after giving the due rights, the estate of the deceased will be divided into 3 parts before distribution. 2 will go to the Mother and 1 to the uncle. In reply to the second calculation, write that besides the house, the estate of the deceased will be divided into 6 parts. 2 parts each to the sons and 1 part to the wife and 1 to the daughter.

Radd

You have read that sometimes after giving the *dhawil furūd* their shares from the LCD, some is left and there is none of the *asabāt* present to take it.

In such a case, the remaining share will be divided among the *Dhawil Furūd* in accordance to their shares a second time. This is called *Radd*. You have also studied in the introduction hat this *Radd* takes place upon the *Dhawil Furūd Nasabī*. They are called *Mann Yuradd ‘Alayhim*. This *Radd* is not done upon the *Dhawil Furūd Sababī* (spouses). They are called *Mann Lā Yuraddu ‘Alayhim*. After this introduction, there are four principles of *Radd* mentioned hereunder. After learning them, you will be able to do the *Radd* calculation easily.

1. If there are no *Mann Lā Yuraddu ‘Alayhim* in the calculation and there is only one type of *Mann Yuraddu ‘Alayhim*, then make the calculation from the individuals in the calculation. For example,

Deceased – LCD (2)

Daughter (1) Daughter (1)

Deceased – LCD (4)

Daughter (1) Daughter (1) Daughter (1) Daughter (1)

There is only one type of heir, so the calculation was made from the number of individuals.

2. If there are no Mann Lā Yuraddu ‘Alayhim in the calculation and there are a number of Mann Yuraddu ‘Alayhim, then make the calculation from their shares. For example,

Deceased – LCD (6) Radd to 3

Uterine Brother (2) Uterine Sister (1) Mother (1)

The share of the Uterine children is 1/3 (2), the share of the mother is 1/6 (1), so the *Radd* calculation was done from 3.

3. If there is someone from the *Mann Lā Yuraddu ‘Alayhim* and there is only one type of *Mann Yuraddu ‘Alayhim*, then make the lowest denominator from the share of the *Mann Lā Yuraddu ‘Alayhim* and give the share of the *Mann Lā Yuraddu ‘Alayhim* from there. Whatever remains,

a. If it can be divided equally amongst the *Mann Yuraddu ‘Alayhim*, then take the calculation as Tashīh and leave it as is. For example,

Deceased – LCD (4)

Husband (1) Daughter (1) Daughter (1) Daughter (1)

The calculation was made from the lowest share (Husband) of ½. From the husband, it was divided equally upon the 3 daughters, so the calculation was left as is.

b. If, from the share of the *Mann Lā Yuraddu ‘Alayhim*, the remainder cannot be equally divided upon the *Mann Yuraddu ‘Alayhim*, but there is a link of *Tawāfuq* between the number of individuals and the remainder, then take the *wifq* of the number of individuals and multiply it by the original LCD and take the quotient as the *Tashīh*. For example,

Deceased – LCD (4) 2/6/3

Husband (1/2) Daughter (1) Daughter (1) Daughter (1) Daughter (1) Daughter (1) Daughter (1)

There is 3 left from the husband and there is *Tawāfuq* at 3 with the individuals of *Mann Yuraddu ‘Alayhim*. So, 3 was multiplied by the number of individuals.

c. If there is *Tabāyun* between the share of *Mann Lā Yuraddu ‘Alayhim* and the number of individuals of *Mann Yuraddu ‘Alayhim*, then take the total of *Mann Yuraddu ‘Alayhim* and multiply it to the LCD and take the quotient as the *Tashīh*. For example,

Deceased – LCD (4)

Husband (1/5) 5 Daughters

There is *Tabāyun* between remainder of 3 from the share of the husband and 5 (number of individuals). Therefore, it was multiplied by 5.

4. If, in the calculation, together with *Mann Lā Yuraddu ‘Alayhim*, there are a number of *Mann Yuraddu*

‘Alayhim, then in this case, use law 2 and 3 and make two calculations where according to law 3, the calculation is made from the lowest LCD of the *Mann Lā Yuraddu ‘Alayhim* and give the share of the *Mann Lā Yuraddu ‘Alayhim*. In law 2, make a separate calculation. Now think that whatever is leftover from the shares of the *Mann Lā Yuraddu ‘Alayhim*, can it be divided equally upon the *Mann Yuraddu ‘Alayhim* or not. If it can be divided equally, then take that LCD as the LCD of the *Mann Lā Yuraddu ‘Alayhim* and take it as the *Tashīh*. For example,

Deceased – LCD (4) Mann Yuraddu Calculation (6) Radd to 3

Wife (1) Uterine Sister (2) 1 Uterine Brother (1) Mother (1)

From 3, the remainder of the share of the wife, it will be equally divided upon *Mann Yuraddu ‘Alayhim* and the LCD (4) is taken as the *Tashīh*.

If from the share of the *Mann Lā Yuraddu ‘Alayhim*, the remainder cannot be equally divided upon *Mann Yuraddu ‘Alayhim*, then in such a case, take the calculation of the *Mann Yuraddu ‘Alayhim* and multiply it by the LCD of the shares of the *Mann Lā Yuraddu*

‘Alayhim. Take the quotient as the *Tashīh*. For example,

Deceased – LCD (8) Radd to 5 Madrūb – 12

2 Wives (1/5)/60/30 Daughters (4/28/336/56 Grandmothers 1/7/84/21

From the spouses, 7 was left and this could not be divided equally upon the *Mann Yuraddu ‘Alayhim*. This was multiplied by the original calculation and it comes to 40. The share of the spouses was multiplied by 5 and the shares of the *Mann Yuraddu ‘Alayhim* was multiplied by 7. Then the *Tashīh* was done because of decimal fractions amongst the individuals.

In this case, from this *Tashīh*, take out the shares of the heirs in this way that the shares of the *Mann Lā Yuraddu ‘Alayhim* are multiplied by the calculation of *Mann Yuraddu ‘Alayhim* and the quotient is taken as the share of the *Mann Lā Yuraddu ‘Alayhim*. Write this down. Each share of the each of the *Mann Yuraddu ‘Alayhim* heirs, multiply it by the remainder from the *Mann Lā Yuraddu ‘Alayhim*. Take the quotient and write it under each heir. If there is a decimal fraction, then make the *Tashīh* using the *Tashīh* laws.

Muqāsamatul Jadd

In *Sirājī* and other books on inheritance, this ruling has been explained under the above mentioned topic. If from the *asabāt* of the deceased, there is only a *Sahīh* grandfather and the deceased has a brother and sister, in such a case, how will the estate be distributed?

In this ruling, there are two views amongst the Sahābah رَضِيَ ٱللَّهُ عَنْهُمْ. One view is that of Sayyiduna Abu Bakr رَضِيَ ٱللَّهُ عَنْهُ (and those with him) who say that in the presence of a *Sahīh* grandfather, every type of brother and sister will be deprived and all the wealth will be given to the grandfather as *‘asabah*.

The second view is that Sayyiduna Zayd Ibn Thābit رَضِيَ ٱللَّهُ عَنْهُ (and those with him) who say that in such a case, the grandfather will be assumed as a brother with the brothers and sisters and he will be included in the estate. However, in the partnership, there is a difference of opinion in this second group. This is because in the group of Sayyiduna Abu Bakr رَضِيَ ٱللَّهُ عَنْهُ, there were great scholars and jurists. Moreover, there was no difference of opinion among them. This is contrary to the group of Sayyiduna Zayd Ibn Thābit رَضِيَ ٱللَّهُ عَنْهُ. That is why Imām Abu Hanīfah رَحِمَهُ ٱللَّهُ chose the view of the group of Sayyiduna Abu Bakr رَضِيَ ٱللَّٰهُ عَنْهُ, where in the presence of the *S̱aẖīẖ* grandfather, every type of brother and sister will be deprived and this is the preferred view of the *Aẖnāf*.

In this short book, written for beginner students, it is our objective to mention only the preferred view of the distribution of the estate. Therefore, at this point, remember this much and the explanation of the difference of opinion will be found in the major books.

Munāsakha

The meaning of *Naskh* and *Munāsakha* is ‘to remove’, ‘change’ and ‘move’. Here, *Munāsakha* means the share of the heir which is moved to his heirs because of his death.

It happens in this way where a person passes away and the estate is not immediately distributed. After some time passes, the chance comes for it. Now, we learn that some of the original heirs had shares that were left for their heirs. This type of ruling is called *Munāsakha*.

The rulings of *Munāsakha* become a means of difficulty for the person giving the answer.

Firstly, the question itself is so complex and contains different rulings, where the person issuing the answer will be called on to apply all the laws of the science of inheritance.

Secondly, on account of the ignorance of the questioner, the sequence of deaths is not considered in the question, whereas the sequence in which the people pass away, it is necessary to explain it in the question.

Thirdly, all the heirs that the deceased leaves behind, it is necessary to mention them all in the question. However, sometimes, some of them are overlooked. Once the answer is done, there are some heirs that come out. Due to this, the entire answer has to be changed. Therefore, the person giving the answer should enquire all the details of the sequence of deaths before writing the answer and at the demise of each person, whichever heir there was, he should include their names in the question. In this way, when the question is ready and he is ready to give the answer, he should follow the method given below and begin to answer.

Method of calculating *Munāsakha*

First, take the name of Allāh سُبۡحَانَهُ وَتَعَالَىٰ, write ‘He is the Being Who gives ability’ or ‘He is the Being Who gives the correct ruling’ and then write the deceased, with the line beneath it. At the end of the line, write the name of the highest deceased (*mūrith a’lā*), he is the person whose estate is currently being divided. Write beneath this, the heirs who were present at the time of the death of this person. Then make the *tashīh* of the calculation and write the share of each heir.

Now, the first to pass away from the heirs of the first deceased, draw the line for the second deceased under the first calculation. At the end of the line, write the name of the deceased with the *mā fil yadd* (the share he got from the first deceased). Write the heirs present at the time of the death of this person (with their names) separately. Now, like the first calculation, do the *tashīh*, and write the share of each person under his name.

Now look at the relationship between the *tashīh* of the second deceased and the *mā fil yadd*. If there is *tamāthul*, then take both calculations as *tashīh* and leave it as is. Now begin the *tashīh* of the third deceased.

If there is *tawāfuq* between the *tashīh* and the *mā fil yadd* (the same rule applies for *tadākhul*), then write the *wifq* of each one (*tashīh* and *mā fil yadd*) in order to remember and take the *wifq* of the *tashīh* of the second deceased and multiply it by the *tashīh* of the first deceased. Take the quotient as the *tashīh* of both. From it, the shares of the heirs of both calculations must be given where whatever share the heirs got from the first deceased, it is multiplied individually by the *wifq* of the *tashīh* of the second. The quotient is taken as their share and write it under their name. whatever share the heirs get from the second deceased, multiply it each by the *wifq* of the *mā fil yadd*. Take the quotient as their share and write it under the name.

If there is tabāyun between the second *tashīh* and the mā fil yadd, then take the entire *tashīh* of the second deceased and multiply it by the *tashīh* of the first deceased and take the quotient as one total *tashīh* for both. Through this, give the shares of the heirs of both calculations where whatever the heirs of the first deceased got from the *tashīh*, it is multiplied individually by the entire *tashīh* of the second. Take the quotient as their shares and the heirs of the second deceased, whatever they got, multiply it separately by the *mā fil yadd*. Take the quotient as their share.

Now, take this *tashīh* as one *tashīh* of both calculations and take the heirs of both calculations as one deceased and one *tashīh*.

Now go ahead, the person that died on the third level, draw the line, write his name and the *mā fil yadd* (first or second deceased or the inheritance from both). Write the heirs that were present at the time of his death. Make the *tashīh* for the third deceased like for the first two and write the share of each heir from there. Then look at the third *tashīh* and the *mā fil yadd*. If there is tamāthul, then take the total previous *tashīh* as the *tashīh* for all three calculations. If there is tadākhul or tawāfuq, then multiply the wifq of the third *tashīh*. If there is tabāyun, then take the entire third *tashīh* and multiply it by the first total *tashīh*. Take the quotient as one total *tashīh* of the three and write it above the first *tashīh*.

From here, the heirs of the three calculations must be given their shares in such a way where the shares of the heirs of the first and second deceased are multiplied by the *wifq* of the *tashīh* of the third. In the case of *tabāyun*, the entire *tashīh* is multiplied by the third. Write the quotient under their name. Take the shares of the heirs in the third calculation and multiply by the *wifq* of the *mā fil yadd*. In the case of *tabāyun*, by the entire *mā fil yadd* and write the quotient under each name.

Now take the entire *tashīh* as the *tashīh* of all three and the heirs of the three as one deceased and one *tashīh* and go to the fourth person that passed away. Draw the line for the deceased and his name at the end and the *mā fil yadd* (first or second or third or remainder from all three). Write the heirs that were living, with their names and write their shares. Then, according to above, look at relationship between the fourth *tashīh* and *mā fil yadd*. Whatever is the link, do the same as was done for two and three.

In this way, when the *tashīh* is completed for all the heirs, take the final *tashīh* as one *tashīh* and take the heirs as all the heirs of the highest deceased person. Draw a line, and write the word *‘Al Mablagh’* and the final *tashīh* figure. All the living heirs, write them in sequence and wherever they got inheritance from above, total them all and write their total figure with their name. In this way, when all the living heirs with the shares have been written, then take all the shares and total them. In this way, you will be at peace that the total reaches the *Al Mablagh*. If it equals the *Al Mablagh*, then you can have conviction that the answer is correct, otherwise check through the calculation and remove any error.

In this way, when the total and the *Al Mablagh* is equal, then write the summary in words and give it to the questioner. For further clarity, a question and answer of *Munāsakha* is presented below. Ponder over how the explained laws have been applied.

Question:

Hinda passed away. She left a husband (Abdullah), daughter (Zaynab) and mother (Khadija). The inheritance was not divided when Abdullah passed away. He left a wife (Fatimah), mother (Zubayda), and father (Khalid). Then Zaynab passed away and left a grandmother (Khadijah), a daughter (Ruqayyah), two sons (Haamid and Naasir). Then Khadijah passed away and left a husband (Saalih), two brothers (Zaahid and Aabid). How will the inheritance of Hinda be distributed in this case.

Answer:

Huwal Muwaffiq

Deceased – Hinda – LCD (4/16/32/128) Radd to 4

Husband (Abdullah) ¼ Daughter (Zaynab) 3/9 Mother (Khadija) 1/3/6

Deceased – Abdullah. Mā fil Yadd 4 LCD (4)

Wife (Fatimah) 1/3/8 Mother (Zubayda) 1/2/8 Father (Khalid) 2/4/16

Deceased – Zaynab. Mā fil Yadd LCD – 6

Grandmother (Khadija) 1/3 Daughter (Ruqayya) 1/3/12 Son (Haamid) 2/6/24 Son (Naasir) 2/6/24

Deceased – Khadija. Mā fil Yadd 9 LCD – 2

Husband (Saalih) 1/2/18 Brother (Zaahid) 1/9 Brother Aabid 1/9

Heirs: Al Mablagh 128

Fatimah (8) Zubayda (8) Khaalid (16) Ruqayyah (12) Haamid (24) Naasir (24) Saalih (18) Zaahid (9) Aabid (9)

Summary:

In the enquired case, after giving the rights from the estate of Hinda, and when there were no barriers, it will be divided into 128 parts. Fatimah will get 8, Zubayda 8, Khalid 16, Ruqayyah 12, Haamid 24, Naasir 24, Saalih 18, Zaahid 9 and Aabid 9.

Explanation:

In this calculation, the highest heir was Hinda. Her estate has been presented for calculation. Firstly, draw the line to show the deceased and write the name and the heirs below. The heirs were husband, daughter and mother.

Now, for the *tashīh*, ponder over the heirs. The husband will get ¼, the mother will get 1/6. According to the law, the calculation will be made from 12. However, after giving the heirs from 12, there is still some remainder. There is no *asabāt* to take it. Therefore, the calculation was made *Radd*, i.e. the first calculation was made from the share of the husband (1/4). His share of 1 was given and 3 was kept. Then, the calculation of *Mann Yuraddu* was done (4). From the husband, the remainder was not divided equally upon the *Mann Yuraddu*. Therefore, the LCD of *Mann Yuraddu* was multiplied by the *Mann lā Yuraddu* share. The quotient was 16. From here, the share of the husband was 1, multiplied by the *Mann Yuraddu* calculation (4) and the quotient (4) was written below. From the share of the daughter (3), the remainder was multiplied by the remaining share from the husband (3), coming to (9). The share of the mother (1) was multiplied by the same remainder (3) and the quotient (3) was written below.

At the second level, Abdullah passed away. Draw the line of the deceased, with the name and *Mā fil Yadd* (4). Write the heirs below, wife, mother, father. In this case, the share of the mother is 1/3 after giving the share of the husband. Therefore, make the calculation from the lowest share (4) and give the share of the wife (1/4) and 3 remains. One third (1) goes to the mother, and the remainder (2) to the father as *asabah*. Now, look at the relationship between the *tashīh* (4) and the *Mā fil Yadd* (4). It is *tamāthul*. Therefore, take both as the *tashīh* done and take the 16 as the *tashīh* of both.

Now go to the third level. Here, Zaynab passed away. Draw the line for the deceased, write the name and the *Mā fil Yadd* (9). Write the heirs, grandmother, daughter, son, son. Only the grandmother is *dhawil furūd* (1/6). Therefore, make the calculation from 6, give the 1/6 share and 5 remains. Because it will be divided equally upon the daughter and two sons, 6 is taken as the *tashīh*.

Now, between the *tashīh* (6) and the *Mā fil Yadd* (9) there is *Tawāfuq*. Take the wifq of this *tashīh* in which the shares of the present heirs were given such that besides the heirs of this third deceased, however many heirs there were, their shares are multiplied by 2 separately and write the share of each heir under his name.

Once the heirs of Zaynab had their shares multiplied by the *wifq* of the *Mā fil Yadd* (3), write the answer under each heir.

Now, Khadija passed away at the fourth level. Draw the line, write the name and *Mā fil Yadd* (6 from the first, 3 from the second, total – 9). Write the heirs, husband and two brothers. Because the *dhawil furūd* is only the husband, take his share (1/2) and make the calculation from 2. One share of 1 is given and 1 remains. So, multiply the number of people (2) by the calculation (2) and take the quotient (4) as *tashīh*. From here, give the share of the husband and each brother 1.

Now look at the relationship between 4 and 9. There is *tabāyun*. Therefore, the *tashīh* (4) is multiplied by the original calculation (32) and the quotient 128 is taken as the *tashīh* of all four calculations. The present heirs are given their shares in this way where besides the heirs of the last deceased, whatever living heirs there are, their shares are multiplied individually by the *tashīh* of the fourth and the quotient is written. The heirs of the last deceased, whatever they get from the *tashīh*, multiply it by (and write the answer under their name. In this way, when the shares are given from the large *tashīh* 128, then finally draw a line showing the living heirs and write the answer in a few short words.

Dhawil Arhām

All the important and cases that occur in abundance and the necessary conditions of the *Dhawil Arhām* have been explained in short. However, the objective of writing this book was so that every topic can be covered completely and comprehensively to the student that is linked to this subject. Therefore, the rest of the laws pertaining to *Dhawil Arhām* and the practical method of calculating the inheritance are now explained. We have considered the weak mind of the beginner and have left out the differences of the *madhāhib* and the proofs of both sides and in each subject we have explained the method and rule that is the preferred and practised upon view of the Ahnāf.

Dhawil Arhām are those relatives of the deceased that are not *asabah* and not *dhawil furūd*.

In the absence of the *asabāt* and the *dhawil furūd*, like the *asabāt*, in accordance to the detail given below, they will be deserving of the entire estate and in terms of being worthy of the inheritance, like the *asabāt*, it is divided into four types, in sequence.

First type: the *dhawil arhām* that are linked to the deceased like a daughter, granddaughter

Second type: the *dhawil arhām* that are linked to the deceased like the *fāsid* grandfather and *fāsid* grandmother

Third type: the *dhawil arhām* that are linked to the deceased, like the nephews, nieces and their children

Fourth type: the *dhawil arhām* that are linked to the grandfather and grandmother, like the uncle, uterine uncle, mother's sister, mother's brother and their children

If there are only *dhawil arhām* in the inheritance question, then consider the following laws, and write the answer.

1. If there are all the types of *dhawil arhām* in the calculation, then make only the first type inherit. If they are not there, then only the second type. If they are not there, then only the third type, and if they are not there, then the fourth type, for example,

Deceased – LCD (1)

Granddaughter (1) Niece – Deprived Grandfather – Deprived

Deceased – LCD (1)

Grandfather (1) Niece – Deprived Uncle – Deprived

Deceased – LCD (1)

Niece (1) Uncle - Deprived Aunt – Deprived

Deceased – LCD (1)

Aunt (1) Uncle’s Daughter – Deprived

First type

2. If in the calculation, there are only a few from the first type, then make the closest to the deceased the heir, e.g.

Deceased – LCD (1)

Granddaughter (1) Great granddaughter – Deprived

3. If there are a few *dhawil arhām* of the first type in the calculation, then make the child of the heir as the heir, not the child of the *dhawil arhām.* For example,

Deceased – LCD (1)

Daughter of the son’s daughter (1) Son of the daughter’s daughter – deprived

4. They are equal in all respects. For example, from the first type, on one level, all are children of the heir, or, all are children of *dhawil arhām*. So, think that if all the parents and children were male and female, then divide the inheritance equally amongst them. For example,

Deceased – LCD (2)[11]

Granddaughter (1) granddaughter (1)

Deceased – LCD (2)

Grandson (1) grandson (1)

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[11] If a daughter is added in the example, all the children will become *dhawil arhām*

5. If there are *dhawil arhām* in the calculation, different in terms of male and female but equal in terms of parents, then the shares will be allocated for them, 2:1, e.g.

Deceased – LCD (3)

Granddaughter (1) Grandson (2)

6. If among the parents of the *dhawil arhām*, there differences regarding male and female in one generation (one mother’s children), then the estate will be divided according to the ratio 2:1. Then, give the share of each person to the children.

Deceased – LCD (3)

Daughter/son 2 /daughter 2

Daughter/daughter 1 / son 1

7. If there are differences in terms of male and female in a number of generations, then according to the muftā bihi view, the method of giving inheritance is that in the first generation where this is found, the inheritance will be divided according to 2:1. Divide the estate in this way where a separate group is made of the males and give them their total share. Make a group of the females separately and give their total

share. Then, ponder over the children separately, see if there is a difference in terms of male and female, or if they agree in this aspect from start to end. If the group of males agree in this aspect from start to end and the group of females are in agreement from start to end, then take the share of each of the parents and divide it equally amongst the children.

After this difference in the beginning, if there is a difference within the group (in terms of male and female), then ponder over the children of the group in this way where after the initial difference, see where there is no difference. Take that generation as non-existent. Where a generation comes wherein there is a mix of male and female, then take the total share and divide it according to the ratio of 2:1. Make two groups, one male and one female. Then think over the children, make two groups, one male and one female. Then see the children, if there is no difference from start to finish, then give the share of the parents to the children and if there is a difference, then first give the joint share first according to 2:1. In this way, give the joint share of every generation until the last children separately, until through this sequence, the shares are decided from top to bottom. If there are any decimal fractions, then do the *tashīh* according to the *tashīh* laws.

For further explanation of this, one calculation of the *dhawil arhām* is presented below. In this calculation, six generations and twelve *dhawil arhām* are shown. The differences of male and female are shown. Ponder over the practical *tashīh*.

First Generation: 9 daughters (9/36) 3 sons (6/24)

Second Generation: 12 daughters

Third Generation: 3 sons (18) 6 daughters (18) 2 daughters (12) son (12)

Fourth Generation: son (9) 2 daughters (9) 3 sons (12) 3 daughters (6) 3 daughters

Fifth Generation: 3 daughters son (6) 2 daughters (6) 2 daughters (3) son (3) daughter (4) son (8) daughter

Sixth Generation: daughter (9) daughter (3) son (6) daughter (6) daughter (2) son (4) daughter (1) son (2) daughter (3) daughter (4) daughter (8) daughter (12)

Look, in the first generation, there are 3 males and 9 females (where the difference begins). So, we began to divide the estate in this way where the 3 males are assumed as 6 individuals and it was joined to 9 females. This makes 15 individuals. Therefore, the calculation was made from 15. From here, 6 groups of males were recorded and 9 groups of females.

Now, ponder over the condition of the children. The first group of females was taken. In the progeny (second generation) there is no difference in terms of male and female. Therefore, this generation is like non-existent and then go to the third. There are 3 males, 6 females. 3 males have 6 shares, added to 6 females and it comes to 12 individuals. The 9 shares from above cannot be divided amongst them equally, but there is *tawāfuq* between the individuals (12) and the shares (9). Therefore, the *wifq* (4) is multiplied by the original LCD (15) and the quotient (6) is the *tashīh*. From here, the group of females (9) is multiplied by 4, which results in 36. By dividing upon the 12 children, half (18) is given to the males and half (18) to the females. Then, ponder over the male children. In the fourth generation, there is a difference of 1 male and 2 females. Therefore, the joint share of the parents (18) is divided according to 2:1, so half (9) is given to one male. This is joined to the last generation female and half (9) is the total share of the 2 daughters. These daughters had no difference in the fifth generation children. Therefore, this generation is like non-existent. In the progeny of the sixth, there is a difference of one male and one female, so the joint share of the daughters (9) is divided according to 2:1. 6 go to the male and 3 to the female.

Then, in the third generation, there are 3 sons as compared to 6 daughters. Study it. in the progeny, the fourth generation, there are 3 males and 3 females. The total number of individuals are 9. So, the parents, (6 daughters) have a joint share of 18. Divide it according to the ratio 2:1. You have a group of 12 males and 6 females. Then, in the fifth generation, there is 1 male and 2 females. Therefore, the joint share of the male group (12) must be divided according to 2:1 and half (6) will go to the male. This is written in the share of the daughter of the sixth generation. Half (6) for the daughters, where, in the sixth generation, there is 1 male and 1 female. Due to this difference, there are 4 males and 2 females.

Then, in the fourth generation, there are 3 sons, as compared to 3 girls. So, in the children of the fifth generation, there is 1 male and 2 females. Therefore, the joint share of 6 was divided amongst them, 3 was given to the boy which went to the daughter of the sixth generation and half (3) went to the 2 daughters which came in the sixth generation because of the male and female difference where there are 2 males and 1 female.

Now, study the 3 males of the first generation. The original calculation was 15, from which they got 6. However, because there was a decimal fraction in the females, the original calculation was multiplied by 4 and 60 became the *tashīh*. So, this 4 was multiplied by the share of the males (6) and the total comes to 24.

Now, the progeny in the second generation, there is no difference there, it was left and the third generation was studied. There is difference of 1 male and 2 females. The individuals are 4. Therefore, the 24 from their parents that was divided according to 2:1, half (12) will go to the males, which comes to the share of the last generation daughter and half (12) goes to 2 daughters. There was no difference in the fourth generation in the progeny of the two daughters, that is why it was taken as non-existent and the fifth generation was studied. There was a difference of male and female here, so the joint share of the parents (12) was divided. 8 for the male and 4 for the female. This was given to the daughter in the sixth generation.

8. if, in the calculation, there are a number of children from the parents, then when dividing the inheritance in the first generation where there is a difference, consider that while bearing in mind male and female, in terms of number keep the number of progeny in accordance, e.g. if there is a son and a daughter in the parents and the son has 2 daughters and the daughter has 2 sons, then when dividing the estate, then assume 1 son to be 2 and 1 daughter to be 2 and divide the inheritance. For example,

Deceased – LCD (7) 28

First: Daughter Daughter (3/12) Son (4/16)

Second: Daughter 6 son 6

Third: 2 Daughters 6/3 Daughter 6 2 Daughters 16/8

In the first generation of this example, there is a difference of a male and female. So the grandmother is assumed to be 2 grandmothers and the paternal grandmother of the daughter is taken as 1 and the grandfather of the 2 daughters is taken as 2. The total comes to 7. Subsequently, the calculation is made from 7. 4 goes to the son of the first generation and 3 to each of the 2 daughters – their joint share.

Now, their progeny in the second generation, there is a difference of male and female. The son will remain 1 because of being progeny but the daughter becomes 2 because of the 2 sons. 2 daughters and 1 son stand as 4 individuals. The shares from the parents cannot be divided equally upon them and there is *tabāyun* between the shares and the individuals ¾. Therefore, the individuals are multiplied by the LCD (7) and 28 is taken as the *tashīh*. From this, the 2 assumed daughters will get from the share of the son in this way where the joint share (3) of the parents is multiplied by 4. The result is 12. Half (6) goes to the son and half (6) goes to the 2 assumed daughters. Then, the share of the son (6) goes down to the daughter and the share of the 2 assumed daughters (6) is given to the 2 daughters which they will share 3 each. Then, the son of the first generation (2 assumed grandfathers), his share (4) is multiplied by 4, resulting in 16. This is divided among the third generation (2 daughters) and each will get 8.

9. In the inheritance of the *dhawil arhām*, just as the number of children must be considered in terms of the parents, in the same way, the direction must be considered, i.e. when an heir is linked in 2 ways to a deceased, and the estate is to be distributed in the

first generation, then both directions must be considered, e.g.

Deceased – LCD 7/28

First : Daughter daughter daughter

Second: Son 4/16 daughter = daughter (3/12)

Third: 2 daughters son (6)

In this calculation, in the second generation, there is a difference of male and female. The son is the father of 2 daughters. Through this, the daughter is the mother of 2 daughters. The second daughter, because of being a child, is assumed as a daughter.

Now, there are seven individuals, so the calculation is made from 7. 4 is given to the son and 3 is the joint share of the 2 daughters. Now, from the children of these daughters, there is a difference of 2 daughter and a son. So, the total (3) of the daughters is divided amongst them. The individuals counted of these 2 daughters and son is 4, and 3 cannot be divided equally amongst them. There is *tabāyun* between 3 and 4. Therefore, 4 is multiplied by the LCD (7) and 28 is taken as the *tashīh*. Now, from this *tashīh*, the shares of the heirs will be divided in this way, where the 4 shares of 1 son will be multiplied by 4 and the result (16) is his share. The 2 daughters get this. The joint share (3) of the 2 daughters is multiplied by 4 and the result (12) is taken as their joint share. Half (6) goes to the son of the one daughter and half (6) goes to the daughters of the second daughter. Now, the summary of the answer is that the estate was divided into 28. 6 was given to the grandchild of the one daughter and 22 goes to the 2 daughters, because they are the grandchildren of one daughter of the deceased and the maternal grandchildren of the other.

Second type

Consider the following in the second type of the *dhawil arhām* (parents of the deceased),

1. First check if they are equal in terms of distance from the deceased, or if some are closer and others are further. If some are closer and some further, then make the closer ones the heirs, not the further ones, whether the closeness is related to the father or to the mother. For example,

Deceased – LCD (1)

Mother Mother

Father Mother

1 Father

The maternal grandfather of the deceased is closer than the mother’s maternal grandfather.

2. If all are equal in terms of closeness, then think over the paternal and maternal sides. Are they equal or different? If they are different, then give double to the paternal side, as compared to the maternal side, i.e. two thirds to the paternal side and one third to the maternal side. Then, divide the share of each one among the children like in the first type. For example,

Deceased – LCD (3)

Father Mother

Mother Mother

Father Father

2 1

The paternal side was given 2 and the maternal side 1

3. If they are equal in terms of relation, then think that however many means there are between the deceased and the heirs, is there a difference in terms

of male and female. If there is no difference, then divide the estate among the progeny in terms of the individuals.[12] This means that the male will get double the share of the female. For example,

Deceased – LCD (3)

Mother	Mother
Father	Father
Father	Mother
2	1

Only the progeny was different, so the male got double the share of the female.

If in-between, there is a difference of male and female, then divide the estate upon the higher generation where there is a difference and then move the share of each group to the progeny just as you studied in the first type. For example,

Deceased – LCD (3)

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[12] In terms of writing here, the parents and progeny is written, otherwise in reality, these parents are the progeny and vice-versa

Mother Mother

Father 2 Mother 1

Mother 2 Father 1

The share of the parents was given to the progeny.

Third type

The third type of *dhawil arhām* is those that are linked to the parents of the deceased, like the real and consanguine brothers’ daughters and their children. All types of children of the real and consanguine sisters and the uterine sisters and brothers, take them as three groups in terms of the laws. Real children, consanguine children and uterine children. The conditions for inheriting are explained in detail like the first type,

1. Make the closest to the deceased the heir. For example,

Deceased – LCD (1)

Sister Brother

Daughter Daughter

1 Son – Deprived

The sister’s daughter was closer, so she inherited.

2. If all are equal in terms of relation to the deceased, then the child of the heir will be given preference over the *dhū rahm* child. For example,

Deceased – LCD (1)

Brother	Sister
Son	Daughter
Daughter	Son
1	Deprived

The grandchild of the brother inherited because of being linked to an heir

3. If all are equal in terms of closeness and being children of heirs, then the strength of closeness will be given preference. For example,

Deceased – LCD (1)

Real Brother	Consanguine Brother	Uterine Brother
Son	Son	Son
Daughter	Daughter	Daughter

1	Deprived	Deprived

In the grandchild of the consanguine brother there is less strength and in the uterine grandchild there is an absence of a child that was an heir, and this causes deprivation

4. In the calculation, if there are only relatives that of one rank (uterine children), then they will be given an equal share from the estate, whether the parents and children are equal in terms of male and female or not. For example,

Deceased – LCD (2)

Uterine Brother	Uterine Sister
Son	Daughter
1	1

The male and female are equal in terms of maternal relations

5. If all the real children are of one level or all are from the consanguine children and they are equal in terms of male and female, then the inheritance will be distributed equally. For example,

Deceased – LCD (2)

Real or consanguine sister	Real or consanguine sister
Daughter	Daughter
1	1

They are equal in all respects, so they get equal inheritance.

6. If the real children are all equal on one level, or the consanguine children are equal, and they are equal in terms of male and female and the children are different, then the estate will be distributed according to the ratio 2:1. For example,

Deceased – LCD (3)

Real or consanguine Sister	Real or consanguine Sister
Son	Daughter
2	1

The parents are same, the children different. So, they were given inheritance according to this.

7. If there are real children all on one level or only consanguine children, and the parents differ in terms

of male and female, then whether the children will be equal or different, the estate will distributed from the first generation where there is a difference. Then, the share of every parent will go to the child. For example,

Deceased – LCD (3)

Real or consanguine brother – Daughter - 2

Real or consanguine sister – Son – 1

The share of the parent went to the child

8. If the *dhawil arhām* differ from the real children, consanguine children and uterine children, or from two groups, then according to the view of Imām Muhammad رَحِمَهُ ٱللَّهُ, the estate will be distributed in this way where it will go to the parents first, while keeping the male/female in place, the direction and number of the children will also be considered, i.e. if one parent has two children, then even the parent, instead of 1, they will be taken as 2. If one child has two parents, then in terms of each parent, the child will be given a share from the estate, for example,

Deceased – LCD (3) 9

Real brother 2/6==Daughter 3

Real sister ==son 2, daughter 1

Consanguine brother (deprived) ==daughter

Consanguine sister ==son, daughter

Uterine brother (1/3) =daughter 1

Uterine sister ==son 1, daughter 1

In this example, there are *dhawil arhām* from each category. We only looked at the parents, we find brother and sister for each type. In the presence of the real sisters and brothers, the consanguine brothers and sisters are deprived, therefore, they are taken like non-existent. Only the real and uterine were taken. So, the uterine gets 1/3 and the real is *asabah*. Therefore, from 3, 1/3 is the share of the uterine and the 2/3 remainder is the share of the real.

Now, in the real children, one brother equals two sisters and one sister, equals two because of the two children. So, this is a total of 4 individuals. The share will be distributed amongst them in this way, half (1) for the brother, and half (1) for one sister.

Now, the 1 share of the sister cannot be divided upon the children; son and daughter. Similarly, the 1 share cannot be divided equally upon the uterine sister and brother. However, there is similarity between the two groups. Therefore, take the number of individuals (3) and multiply it by the original calculation (3). The result (9) can be divided equally. Now, take the real children as 2 parts and multiply by (3). This results in (6). Half (3) goes to the brother, this share will then come to the daughter and half (3) will go to the sister. From this, 2 shares come to the children, 1 to the son and 1 to the daughter. Similarly, take 1 share of the uterine brother and sister and multiply by 3. The result is 3. This is divided equally upon the 3 types of children, each one will get 1.

Note and explanation: From the above example, if there was no real children, but only uterine children and consanguine children, then in the present case, just as the *tashīh* was made, the same *tashīh* will apply. And just as the shares of the consanguine children and uterine children were given, the same method will apply in giving the shares of the consanguine children and uterine children. If in the real children, there is only one daughter of the sister, then she will take her half and the remainder will go to the consanguine brother and sister as ‘*asabah*.

If there is one daughter of the real sister, one daughter of the consanguine sister, one daughter of the uterine sister, then the calculation will be made from 6. Half will go to the daughter of the real sister, 1/6 to the daughter of consanguine sister, 1/6 to the daughter of the uterine sister according to the principles and the calculation will go to *Radd* to 5. In order to apply these rulings, a few examples are given below. Study the method of inheritance.

Deceased – LCD (1) The closest received

Real sister	Consanguine sister	Uterine sister
Daughter	Son	Daughter
Son	Daughter	1
Deprived	Deprived	

Deceased – LCD (6) *Radd* to 5

Real sister	Consanguine sister	Uterine sister
Daughter	Son	Son
3	1	1

Deceased – LCD (3)/18

Consanguine brother (2/12) 8 == Daughter 8

Consanguine sister 4 == son 4

Uterine sister (1/6) ==Son 3 daughter 3

Deceased – LCD (1) – child of the heir got

Real brother	Consanguine sister	Uterine brother
Son	Daughter	Son
Daughter	Son	Daughter
1	Deprived	Deprived

Deceased – LCD 6/24

Real sister (4/16)

Daughter

Consanguine sister (1/4) 2

Son

The daughter and son have 2 daughters and their share is 9 (2+16=18/2 = 9)

Consanguine brother 2

Daughter

Son

2

Uterine Sister (1/4)

Son

Daughter

4

The real sister has 2 children and the 2 sisters get 2/3. The uterine gets 1/6, the rest cannot be divided upon the consanguine. So the 2 assumed sisters and 1 brother, (4) is multiplied by the original LCD, resulting in the *tashīh* of 24.

Fourth type

The relatives that are linked to the grandfather or grandmother of the deceased and there are no *‘asabah* or *dhawil furūd*. In order to learn the laws, they are divided into 2 types.

First are those relatives that are linked to the grandfather or grandmother without a link, like the maternal aunt, maternal uncle, paternal aunt, uterine uncle.

Second, those relatives that are linked to the grandfather or grandmother of the deceased through a link of the first type, like the children of the maternal aunt and paternal aunt, or, like the daughters of the real or consanguine uncle and their children. The method of them getting inheritance is explained below,

1. If one of them is alone, then he will get all the wealth. For example,

Deceased – LCD (1)

Aunt - 1

2. If there are a number of people and they are equal in the direction of relation, then the one with the strongest relation will be given preference, i.e. real will be given preference over the consanguine and the consanguine will be given preference over the uterine, whether male or female. For example,

Deceased – LCD (1)

Real aunt - 1 Consanguine aunt - Deprived

Deceased – LCD (1)

Real aunt - 1   Uterine aunt - Deprived

3. If they are all equal in terms of direction of relation and male and female, then the estate will be distributed amongst them equally.

Deceased – LCD (2)

Real aunt – 1 Real aunt – 1

4. If they are equal in the direction of relation and different in terms of male and female, then they will get according to the ratio 2:1. For example,

Deceased – LCD (3)

Uterine uncle – 2 Uterine aunt – 1

5. If they are different in terms of the direction of the relation and different in terms of male and female, then preference will not be given to strength of relation, but the males will get 2/3 and the females 1/3

Deceased – LCD (3)

Consanguine aunt – 2   Real aunt – 1

Deceased – LCD (3)

Uterine uncle – 2 Real maternal uncle – 1

The method of dividing the inheritance in the second type (those linked to the grandfather or grandmother of the deceased through a means), is as follows,

1. The one closest to the deceased will inherit, not the further ones.

Deceased – LCD (1)

Son of the maternal aunt – 1 grandson of the aunt – deprived

2. If all are equal in closeness to the deceased, then the strength of relation will be given preference. For example,

Deceased – LCD (1)

Daughter of the real aunt – 1 son of the uterine uncle – deprived

Deceased – LCD (1)

Daughter of the real maternal aunt – 1 son of the consanguine maternal uncle – deprived

3. If they are equal in terms of closeness and direction of relation, then the child of the *‘asabah* will be given preference over the *dhi rahm* child. For example,

Deceased – LCD (1)

Daughter of the real uncle – 1 son of the real aunt – deprived

4. If they are the same to the deceased in terms of relation but different in strength of relation, then some children of the *‘asabah* will be given preference. However, the correct view is that the strength of relation will be considered, whether the child is *‘asabah* or not. For example,

Deceased – LCD (1)

Daughter of the son of the real aunt – 1

Daughter of the son of the consanguine uncle – deprived

5. If all are equal in closeness to the deceased but the direction of closeness (male or female) is different, then no preference is given to the strength of the relation nor to the child of the *‘asabah*, but 2/3 will go to the paternal relation and 1/3 to the maternal relation. Then, if there are a number of individuals in

each group, then in terms of being worthy of the share, the strength of relation is considered, then the *‘asabah* child is considered.

Deceased – LCD (3)

Daughter of the real aunt – 2

Son of the real maternal aunt – 1

6. If the deceased does not have children of the uncles, aunts, maternal aunts related, then the method of inheritance is that it will go to the uncles, aunts, maternal uncles and aunts of the parents of the deceased, then their children. If they are not there, then the uncles and aunts – maternal and paternal, of the grandparents, then their children until the end.

An example is presented below of the inheritance of the *dhawil arhām*. Study the *tashīh* and method of inheritance.

Deceased – LCD (3)/6/36

Consanguine aunts 2/4/24

Consanguine aunt

Consanguine uncle 1/2/12

Consanguine maternal aunt 1/2/12

Consanguine maternal aunt

Consanguine maternal uncle 1/6

Daughter 4 == 2 sons 4/2

Son 8 daughter 12 == 2 daughters (12+8=20/2=10)

Daughter 2 – 2 daughters 2/1

Son 4 daughter 6 == 2 sons (6+4=10/2=5)

In the parents of this example, the number of the children were considered and for each parent, 2 parents were assumed. It is as though there are 4 consanguine aunts, 2 consanguine uncles, which is equal to 4 aunts. And, 4 consanguine maternal aunts, 2 consanguine maternal uncles, which equals to 4. Now, in terms of the maternal side (1/3), the calculation is made from 3. The maternal side is given this and the remaining 2 goes to the paternal side as *‘as̲abah*.

In the paternal side, the 2 assumed uncles are equal to 4 aunts. Therefore, from the 2 shares, 1 goes to the consanguine uncle and 1 each to the aunts. However, in the maternal side, one uncle was accepted as 4 maternal aunts and this made the male group and female group equal. This 1 share cannot be divided equally upon these two groups. Therefore, take the number of the groups (2) and multiply by the original LCD (3). The result is 6. This is the *tashīh*. Now, take the joint share of the mother’s side and multiply it by the same number (2). The result is 2. 1 share goes to the maternal uncle and one share to the 2 maternal aunts. Similarly, take the joint share of the father’s side (2) and multiply by 2. The result is 4. Give 2 shares to the one uncle and 2 shares to the 2 uncles (assumed 4). Now, amongst the children of the assumed 4, there is one daughter (assumed 2) and one son (assumed 2). The total individuals are 6. The joint share of the parents (2) cannot be divided amongst them. However, there is *tawafuq* at 2. So, take half the individuals (3) and write it one side. Then take the mother’s side. There are 2 (assumed 4) maternal aunts who have a joint share (1). It cannot be divided equally upon the children (6 individuals). There is *tabayun* between the individuals and the share. So, write 6 down. Now, take the individuals from the progeny of the maternal aunts (3) and the individuals of the progeny of the maternal aunts (6). There is tadakhul. Therefore, take the bigger number and multiply it by the original LCD. 36 will be the *tashīh*. Now take the same number (6) and multiply the share of the maternal uncle. The result is 6, this went to his 2 sons. The share of the maternal aunts (1) is multiplied by 6, 2/3 goes to the 1 son (assumed 2)m and that was the share of 2 sons. 1/3 goes to the daughter (assumed 2). This came as the share of the 2 daughters. The share of the uncles was multiplied, resulting in 12. It was divided among the children in this way where 1 son (assumed 2) and 1 daughter (assumed 2) are added, and it comes to 6 individuals. The joint share of 12 of the parents was divided upon them in this way where 2/3 was given to the son and it came to the share of the 2 daughters. 1/3 was given to the daughter and it came to the share of the 2 sons. The share of 1 uncle was multiplied by 6 also, the result was 12 and this goes as the share of the 2 daughters.

The summary of the answer is that after giving the rights from the estate of the deceased, it will be divided into 36. First the maternal aunt’s children will be given 4 (2 each), and the joint progeny of the aunt and uncle (2 daughters) will get 8 from the father and 12 from the mother. This is 20 in total (10 each). The children of the maternal aunt (2 daughters) will get 1 each. The joint progeny of the uncle and aunt (maternal) who are 2 sons will get 4 from the father’s side and 6 from the mother’s side. Total of 10 (5 each).

Miscellaneous Rulings of Inheritance

The important and necessary rulings of inheritance have been explained. Now, in completion of the book, the rare rulings are mentioned, they have a link to inheritance to a certain degree, like an unborn child, *khunthā*, *mafqūd*, *murtad*, prisoner, simultaneous deaths. These are explained in the detailed books of *fiqh*. The laws of inheritance pertaining to them are explained here.

Unborn Child

If a question in inheritance comes, while some heirs are unborn children, then in such a case, it is apparent that because the sex is not known, it will be very difficult to give a satisfactory answer. Therefore, it is best that when such a question comes, the heirs should be told to delay the distribution of the estate until the birth of the child. However, sometimes, the heirs will insist on distributing the estate immediately. In such cases, there has been difference of opinion in distributing the estate from the era of the sahābah رَضِيَ ٱللَّهُ عَنْهُمْ. There is a difference of opinion even among the scholars of the Ahnāf. The basis of the difference of opinion is whether the child will be a male or a female. Then, will there be one child or a number of children. However, the preferred view of the scholars of the Ahnāf is that the unborn child should be assumed to be one male. In this assumption, the child will get more. Alternatively, it should be assumed to be one female, if she will get more. Among the present heirs, each one should be given the lower condition and the better condition should be kept suspended until birth. Now, after the child is born, if the lower condition is proven, then it should be left in that condition and if the better condition is proven, then the suspended amount should be returned. Together with this decision, the present heirs should take responsibility that if a number of children are born, then in accordance to their rights, the inheritance will be taken from the heirs.

Now, we need to find out in which condition will the unborn child get more and the other heirs less. For this, we need to make two *tashīh* calculations. In one, we assume the child to be a male and in the other, a female. When this is complete, then look at the relationship between them. If there is *tawāfuq*, then take the *wifq* of one and multiply it by the total of the other. If there is *tabāyun*, then multiply the total of one by the total of the other. Take the quotient as the *tashīh* of both calculations.

Then take the shares of the heirs in the calculation where the unborn child is assumed to be a male and multiply them by the total of the female calculation or the wifq of the *tashīh*, and the shares of the heirs in the female calculation ad multiply it by the total or the *wifq* of the male calculation and write the answer under each heir. Now, ponder over the share of each heir, and see in which case the shares will be more or less, in the case of assuming the child to be male or female. The better share will be kept for the unborn child and from the present heirs, each one will be kept in the lower condition (*hirmān* or *nuqsān*) and whatever they will get in the better condition, it will be kept until the birth of the child. Now, upon the birth of the child, the lower condition will be made apparent. So, they will be left on the previous condition. If the better condition is proven, then the suspended share will be returned to them. Ponder over the following example in the implementation of this law,

Deceased – LCD (24) Assuming the child to be a boy

Wife (3/27) Mother (4/36) Father (4/36) Daughter 39 [13] [117] Unborn (78)

Deceased – LCD (24) ‘Aul 27 Tashīh 216 Assuming the child to be a girl

Wife (3/24) Mother (4/32) Father (4/32) Daughter (8/64) [16] Unborn (8/64

In the first calculation, the unborn child was assumed to be a male. So, the son and daughter are assumed to be *‘asabah* and they share the remainder from the *dhawil furūd*. In the second calculation, the unborn child is assumed to be a female and two daughters come together and their share is two thirds. The calculation will go to *‘aul*. Now, the two calculations (24, 27), are such that the relationship between them is *tawāfuq* on 3. So, the *wifq* of one is multiplied by the other, coming to 216. This is the *tashīh* of both. Now, the shares of the first calculation, must be multiplied by the *wifq* of the second (9). From this, the wife gets 27, Mother 36 and father 36. The daughter and unborn (boy) get 117 together, the daughter gets 39, the unborn 78. Then, the heirs of the second calculation are multiplied by the *wifq* (8). The wife gets 24, mother 32, father 32, daughter 64 and unborn 64.

Now, think over both calculations. Besides the daughter, for the rest of the heirs, it is better to assume the unborn to be a boy. For the daughter, it is better to assume the unborn as a girl.

Therefore, every present heir will be given the lower share and whatever is extra, it will be kept suspended until the birth of the child. Subsequently, the summary of the answer is,

Deceased – (216)

Wife (24) 3 Suspended Mother (32) 4 Suspended Father (32) 4 Suspended Daughter (39) 25 Suspended Unborn boy (78) Unborn girl (64)

Now, if a girl is born, she will get 64 and the 25 of the daughter will be returned and the shares of the other heirs will be kept as before. If a boy is born, he will get 78 and the rest of the heirs, the suspended share will be returned and the daughter will be kept as before. For further explanation, *hirmān* and *nuqsān* calculations are presented below. Think over it.

Deceased – (24) Assuming boy

Wife 3/27 Mother 4/36 Father 4/36 Granddaughter – Unborn boy 13/117

Deceased – (24-27) Tashīh 216 Assuming girl

Wife 3/24 Mother 4/32 Father 4/32 Granddaughter 4/32 Unborn girl 12/96

Summary:

Deceased – 216

Wife 24, 3 suspended Mother 32, 4 suspended Father 32, 4 suspended Granddaughter – 32 suspended, Unborn boy 117 Unborn girl 96

In this example, the method of inheritance was applied as in the first example. The only extra thing is that the granddaughter is currently deprived. The total share (32) is suspended until birth. If a girl is born, it will be returned and if a boy is born, it will be deprived as before. If the child is stillborn, the wife and parents will be given the suspended shares and the daughter will be given to complete half.

Khunthā

A *khunthā* is the person that has a male private part as well as a female private part. If the male characteristics are dominant, it will be taken as a male. If female characteristics are dominant, it will be taken as a female. If both characteristics are equal, it will be called a *khunthā mushkil*. In inheritance, it is kept in the best of the two conditions (*Hirmān* or *Nuqsān*), i.e. in inheritance, if it is assumed to be a male and it will suffer loss, then it will be assumed to be a male. If there will be loss in assuming it to be a female, then it will be assumed to be a female. Considering, male, female, *Hirmān* and *Nuqsān*, there can be four ways in which we can calculate the inheritance. They are presented below,

Hirmān – Assumed Male

Deceased – LCD (2)

Husband (1) Real Sister (1) Consanguine Khunthā Brother (Deprived)

Nuqsān – Assumed Male

Deceased – LCD (6)

Husband (3) Uterine Sister (1) Consanguine Khunthā Brother (1)

Hirmān – Assumed Female

Deceased – LCD (1)

Nephew (1) Niece Khunthā (Deprived)

Nuqsān – Assumed Female

Deceased – LCD (3)

Son (2) Daughter Khunthā (1)

Explanation:

In the first calculation, it was better for the *khunthā* to be a female, for she would get 1/6. By assuming it to be a male, it was deprived because nothing remained after giving to the *dhawil furūd*. In the second calculation, it was better for it to be a female; it would have got ½, so we assumed it to be a male and kept it in the lower condition. Through this, it only was worthy of 1/6, so kept it in the lower condition, assuming it to be a male. In the third calculation, it was better to be a male because it would get ½ with the brother, so assumed it to be a female and deprived it. In the fourth calculation, it was better to be a male, because it would get ½ with the brother, so we assumed it as a female and kept it in the lower condition (1/3).

Mafqūd

The person who goes missing from home and no one knows whether he is living or dead, he will be called a

Mafqūd. Until he dies in reality, or until the decision of the judge, he cannot give anyone any wealth, nor can he take from anyone. As long as no news of his death comes, or the judge does not pass the decision of his death, he will be taken as a living person in terms of his wealth, rights of spouse etc. Therefore, no-one else can use his wealth in any way. He will be counted as a dead person in terms of the other people. Therefore, during this time, if any of his family members pass away, he will not be a recipient of inheritance from them, but his share will be kept suspended like that of an unborn child. Whoever he stands as a *Hājib Hirmān* for, their share will also be suspended. Whoever he stands as *Hājib Nuqsān* for, the lower share will be given now, and the extra share will be suspended.

Now, we need to find out how much will be suspended and how much is due currently. The same method used for the unborn child will be used here, i.e. two *tashīh* will be made for the estate. One will be done assuming him to be alive and the second, assuming him to be dead. Whatever is the link between the two *tashīh*, it will be considered and the *wifq* or total of one will be multiplied by the other. The quotient will be taken as the *tashīh* for both.

Then, take the shares of the heirs of each calculation and multiply it by the *tashīh* or the total of the second calculation and write the quotient. Now, think over the shares of each heir, that in which case (living or dead), is there loss. The case where there is loss (*Hirmān* or *Nuqsān*), take that as his current condition. Whatever is the better condition, the extra share that he gets, that will be suspended.

Think over this through the following example,

Deceased – LCD (2) 8/ (Tabāyun) Considered alive

Husband (1/4) 28 Real Sisters (1/4/28) (2/14)/7 Mafqūd real brother (2/14)

Deceased – LCD (6) ‘Aul 7 /56 Considered dead

Husband (3/24) Real sisters (4/32/16) Real brother Mafqūd – Deceased

Summary:

Deceased – LCD (56)

Husband (24) 4 – Suspended upon life

Real Sister (7) 9 - Suspended upon death

Real Sister (7) 9 – Suspended upon death

Real brother *Mafqūd* (14) – Suspended upon life

In this example, the better condition of the husband (considering the *Mafqūd* as alive), from 28, the lower condition (death of *Mafqūd*), is given 24 shares and 4 are kept suspended upon life. The better condition of the sisters (death of *Mafqūd*) has 32 shares, and the lower condition (life of *Mafqūd*) is 14. These 14 are given now and 18 are suspended upon death. 14 shares are kept suspended on the life of the *Mafqūd*.

Now, if the *Mafqūd* is proven alive, the suspended share of 14 will be given and share of 4 of the husband will be given, and the previous shares of the sisters will be given of 7, they will be left as is.

From the birth of the *Mafqūd*, if 90 years pass or the people of his generation pass away, the judge will pass the decision of his demise. Whichever relatives had passed away during his absence, and shares that were suspended because of the *Mafqūd*, these will now be given to the heirs. If they are not present, then it will be given to the worthy heirs. It is as though this *Mafqūd* passed away before the death of these relatives and the wealth of the *Mafqūd* – after this decision, it will be given to the heirs. (Those that were present at the time of the decision). Those that passed before this, they will not get anything. It is as though the *Mafqūd* was alive until the decision of the judge. From the time of the decision, the wife will spend *‘iddat* and will be taken as out of his marriage.

Prisoner

If, Allāh forbid, a Muslim is caught by the disbelievers and he is imprisoned by them, so as long as he remains alive upon Islām, until then, he will be deserving of inheritance from his Muslim heirs. If he becomes a Murtad, then the laws of Murtad will apply and if there is no news regarding whether he is alive or not, then the laws of Mafqūd will apply.

Murtad

The detailed laws of a *Murtad* are in the books of Fiqh. Remember this much here that if he repents and then becomes a Muslim, then he should simply renew the Nikāh with his wife and he will remain the owner of his wealth. If he passes away in the condition of *irtidād*, or he is killed, or the judge passes the decision that he has linked with Dār ul H̲arb, then the wealth he owned as a Muslim will go to his heirs. The wealth he earned in *irtidād* will go to the Bayt ul Māl. After he flees to

Dār ul Harb, whatever wealth he earns, it will be distributed amongst the Muslims like booty.

Simultaneous Deaths

If a number of relatives drown in the river, or are burnt, or they pass away under a house that collapsed, and it is not known who passed away first and who last, then in terms of inheritance, we will take the link between them as non-existent, i.e. they will not be in a position where they can be classified as recipients of inheritance from each other. The wealth of each person will be distributed amongst his heirs, e.g. if a father and son drown at the same time and each one of them left a wife and a daughter and the father did not have a wife, son and mother, so the wealth of the father will be distributed as follows,

Deceased – LCD (8) 6 Radd to 4

Wife (Halimah) ¼ Daughter (Sakinah) 3/21 Granddaughter (Jamilah) 1/7

The wealth of the son will be divided in the following way;

Deceased – LCD (8)

Wife (Abidah) Daughter (Jamilah) Sister (Sakinah)

In conclusion of the book, a few miscellaneous rulings were mentioned. If there is need for more detail, then study the detailed books of Fiqh and Farā’id in which the details of the laws are explained.

والله يهدي من يشاء إلى صراط مستقيم ، هذا وله الحمد في الأولى والآخرة والصلوة على محمد وآله وعترته الطاهرة

Muftī Mahmūd Hasan

8 Shawwāl 1364

The Author’s chain of Knowledge

Muftī Mahmūd Hasan Ajmerī

Maulānā Mu’īn ud Dīn Ajmerī

Maulānā Hakīm Sayyed Barakāt Ahmad Tonkī

Maulānā Abdul Haq Khayrabādī

Maulānā Fadl e Haq Khayrabādī

Maulānā Fadl Imām Khayrabādī

Maulānā Abdul Wājid Khayrabādī

Mulla A’lam Sindelī

Mulla Kamāl ud Dīn Suhālwī

Mulla Nizām ud Dīn Suhālwī

May Allāh have mercy on them all

Supplement to Mu’īn ul Farā’id

It is not hidden from the masters of education that together with the change of the times, everything around us also adopts a new form. Subsequently, education also could not remain protected from this. The old books and old system of education has left the world and new books and a new system of education has been established. Discussing the good and bad points of this system and scrutinizing it will cause the discussion to become very lengthy. However, it is a reality that this general desire for a new system and preference for it has also forced the authors to leave the old system and adopt the new one. The new system holds more firmly onto summaries and easy versions of things. For every discussion, necessary material is provided, with basic explanation of a few words. At the end, in order to test the memory of the students, there are exercises given.

According to me, if this is left to the master teachers so that according to the mental ability of the students, these questions can be used as an exercise and their mental ability can be nurtured. On the other hand, instead of limited knowledge, in the broad field of progress, they will be getting more. Therefore, I did not add the exercises in the book. I did not tolerate looking away from the general preference. Therefore, I discussed until the conditions of the *dhawil furūd* in the exercises so that whoever likes this method, he can take the questions from here and make the students do them.

From the *‘asabāt* until the end, in most places, the examples are mentioned in the book. Therefore, it can be slightly modified and be used as exercises for the students. Considering the general benefit of the book, the names of the relatives are placed in Arabic, and these have been translated in the supplement. (This has been left out in the English version, as it is cumbersome and creates a barrier in understanding). This is to create ease for every class of people. (وما توفيقي إلا بالله)

Explanation of technical terms:

‘Ilm Farā’id: This is the knowledge of a few laws and subsidiary rulings of *fiqh*, by learning it, a person will know who are the *shar’ī* heirs of the estate of the deceased and the method of dividing it.

Tarakah: The possessions (whether real or in debt), that a deceased leaves behind.

Dhawil Furūd: These are the relatives of the deceased for which the *sharī’ah* has stipulated a share from the estate.

‘Asabāt: These are the relatives of the deceased who do not have a specific share of the estate, but if they are alone, then they will get the entire estate or the remainder with the *dhawil furūd*.

‘Asabah Nasabī: This is the *‘asabah* that is linked to the deceased by way of lineage or family, like, father, son.

‘Asabah Sababī: This is the *‘asabah* that is linked to the deceased through ownership and then being freed, i.e. the master who freed the deceased.

‘Asabah bi Nafsihī: Every male that is linked to the deceased directly or indirectly, like, son, grandson

‘Asabah bi Ghayrihī: The female who had an original share of ½ or 2/3, but in the presence of her brother, she now gets half the share of the male from the estate, according to the Qur’ānic principle

‘Asabah ma’a Ghayrihī: This is the real or consanguine sisters of the deceased that are included in the estate with the daughter or granddaughter of the deceased, according to the hadīth (اجعلوا الأخوات مع البنات عصبة)

Jadd Sahīh: Father’s father. He has a link to the deceased in such a way that the mother (female relative) does not come in between.

Jaddah Sahīha: Father’s mother and mother’s mother. In linking the relation to the deceased, there is no *Jadd Fāsid* that comes in between, like, mother’s father or mother’s mother.

Jadd Fāsid:

Maternal grandfather. He is linked to the deceased through a female, maternal grandfather or the maternal grandfather of the father.

Jaddah Fāsidah:

The mother’s paternal grandmother or paternal grandmother’s paternal grandmother. This person has a *jadd fāsid* as a link to the deceased.

Sihām:

The share that the heir gets according to the *sharī’ah*.

Dhawil Arhām:

This is the relative of the deceased that is not *‘asabah*, nor *dhawil furūd*, like daughter’s son, daughter’s daughter, maternal grandfather, mother’s brother etc.

Bayt ul Māl:

Islāmic treasury

Mawāni’ Irth:

Those means that stop an heir from inheriting, like difference of religion, killing etc.

Mahrūm:

The heir that is stopped from getting inheritance when the means of deprivation are found

Mahjūb:

The heir that is stopped in part or in total from getting inheritance in the presence of an heir that is more deserving

Hajab Hirmān wa Nuqsān:

The heir that is stopped from inheriting in the presence of a more worthy heir is called *Hajab Hirmān* and the person that is stopped from inheriting part of his share is called *Hajab Nuqsān*.

Makhārij ul Furūd:

The LCD from which the calculation is made, or, the numbers from which the shares of the heirs will come (without resorting to decimal fractions), e.g. 2, 3, 4, 6, 8, 12, 24

‘Aul:

(Returning), if the LCD is less than the shares, then the LCD must be increased to the required amount

Radd:

After distributing the shares to the *dhawil furūd*, whatever is left, it should be redistributed.

Man Yuraddu wa man Lā Yuradd:

There is no *radd* for *dhawil furūd sababī* (spouses). Therefore, they are called *man lā yuraddu ‘alayhim*. There is *radd* for the *dhawil furūd nasabī*. Therefore, they are called man *yuraddu ‘alayhim*.

Tamāthul:

For one number to be the same as another, e.g. 4, 4

Tadākhul:

For a smaller number to enter into a bigger number, i.e. if the smaller number is multiplied once or a few times, it will become equal to the bigger number. Alternatively, the bigger number can be divided equally by the smaller number, e.g. 4, 8

Tawāfuq:

For two numbers to be such that one cannot be equally divided upon the other, but a third number is required to divide them, e.g. 4 for 8 and 12

Tabāyun:

For two numbers to be such that they cannot be divided upon each other, nor will a third number do it, like, 5, 7

Tashīh:

If there are decimal fractions in the calculation, then a third number is stipulated through which all the shares of the heirs can come out without any decimal fraction

Man Ankara ‘alayhim as Sihām:

The group of heirs whose shares will be divided upon them without resorting to decimal fractions. Every individual of the group is called ra’s and all the individuals together are called ru’ūs.

Munāsakha:

Before dividing that estate, if an heir dies, then his share will go to the other heirs

Mā fil Yad:

In *munāsakha*, the inherited share of every deceased person that he got from the deceased above him

Al Mablagh:

In *munāsakha*, the last *tashīh* from which the shares of the present heirs come out

Al Ahyā’:

In *munāsakha*, the living heirs of the highest *mūrith* (from whom they inherit).

Takhāruj:

Amongst the heirs, with the mutual happiness of all, an heir takes something and leaves out the rest of his share from the inheritance

Muqāsamatul Jadd:

In accordance to the view of Zayd Ibn Thābit رَضِيَ ٱللَّهُ عَنْهُ and Sāhibayn رَحِمَهُمَا ٱللَّهُ, the grandfather is assumed as a brother and is given a share in the estate with the brothers and sisters

Muqar lahu bin Nasab ‘alā Nafsihī:

For a person to confess a family link, through which the person confessed for becomes part of his lineage, like a person confessing that someone is his father, grandfather, son, grandson. Through this confession, the lineage will be proven.

Muqar lahu bin Nasab alā Ghayrihī:

For a person to confess regarding someone in such a way that the person does not become part of his lineage, like a brother, nephew. The lineage will not be proven through this confession.

Aulād:

Son, daughter, or all those in the chain of male offspring, i.e. son, grandson, no matter how far down.

Tā’ifah:

A group of relatives that all have the same link, like, daughters, sons of the sisters, grandmothers, uncles etc.

Sinf:

Those people of a group that all have the same general quality, like, *usūl, furū’, far’ asl qarīb, far’ asl ba’īd*

Maulal Muwālāt:

The person who made a pact of *muwālāt* with someone (see introduction).

Musī:

The person who makes a bequest. *Mūsā lahu* is the one for whom the bequest is made. *Mūsā bihi* is the item bequeathed.

Mu’tiq:

The one who frees. *Mu’taq* is the freed person. *Qinn* – total slave, *amah* – total female slave

Mukātab/Mukātabah:

The slave or female slave that is buying his/her freedom in exchange of a specific amount.

Mudabbar/Mudabbara:

The slave or female slave that the master has promised freedom after his demise.

Exercise

Question 1:

1.1. What is the definition of *‘Ilm ul Farā’id*?

1.2. Write the reason for the name *‘Ilm ul Farā’id*

1.3. What is the objective and benefit of studying *‘Ilm ul Farā’id*?

1.4. Explain the virtue of *‘Ilm ul Farā’id*

Question 2:

2.1. What is the *tarakah* (estate)?

2.2. Explain the recipients of the *tarakah* in sequence

2.3. If the estate is less and the total debt is more, then how will the estate be distributed?

2.4. How many and what are the conditions for execution of a bequest?

Question 3:

3.1. Write the definition of *dhawil furūd*

3.2. Write the definition of *‘asabāt* and the types

3.3. Who are the *dhawil arhām* and when will they be taken as heirs?

3.4. What is *maulal muwālāt*?

Question 4:

4.1. Who is *muqar lahu bin nasab* and what is the *shar’ī* law of his being an heir?

4.2. Write the *shar’ī* law of the inheritance of *mūsā lahu bi jamī’ al māl*

4.3. What is the meaning of *radd* on the *dhawil furūd*? Is there *radd* upon the spouses?

4.4. When the wealth of a deceased that has no heirs goes to the *bayt ul māl*, upon whom should it be spent?

Question 5:

5.1. Which matters are necessary which must be done before the heirs can be worthy of receiving inheritance?

5.2. The estate is 500. 100 was spent for burial. 400 debt. Bequest of 100. How should the estate be distributed?

5.3. 1000 is the estate. 50 was spent for burial. 600 is debt. 300 was a bequest. There are needy relatives too. How should the estate be divided?

5.4. Explain who are the heirs of the specified shares, how much and when?

Sequence of Distributing the Estate

1. Shroud and burial
2. Debts
3. Bequest
4. *Dhawil Furūd*
5. *Nasabī Asabāt*
6. *Sababī Asabāt*

7. *Radd alā Dhawil Furūd*
8. Dh*awil Arhām*
9. *Maulal Muwālāt*
10. *Muqar lahu bin Nasab alal Ghayr*
11. *Mūsā lahu bi Jamī’ al Māl*
12. *Bayt ul Māl*
13. *Atā bi Zaujayn*

A beautiful view of
"JAMIA'H HUSAINIYAH RANDER"

Jamia'h Husainiyah Rander

Jamia'h Husainiya Muhammadiyah Islamiyah Rander, Surat had been established in the year of 1335 Hijri (1917 AD) by Maulana Husain Ibne Maulana Qari Ismail Sahab (R.A.) for spreading the Deen and spreading the Sunnat-e-Nabviyyah and decorating the manners of the Muslim Ummah of Gujarat. Alhamdulillah! by the blessings and grace and the help of Almighty Allah and donations from the Muslims it is advancing day by day towards its goal, Alhamdulillah!